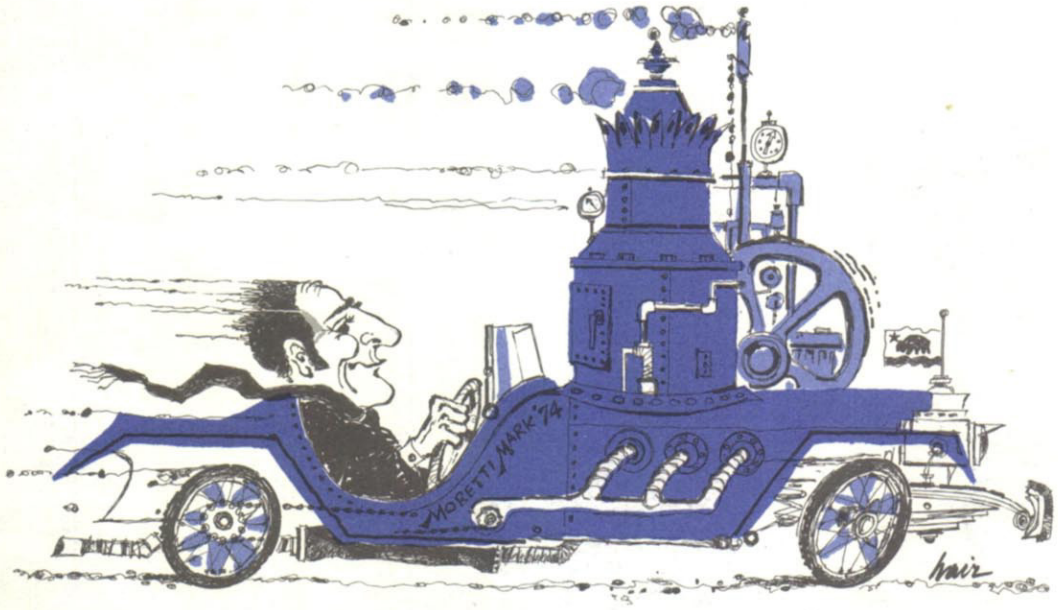
California Journal

THE MONTHLY REPORT OF STATE GOVERNMENT AND POLITICS

Assembly Will Build Steam Cars



Reagan's 'Legacy' Task Forces

The Delta Water Controversy

What Is Regional Government?

Field Poll Looks at the Vote

Final 1972 Legislative Summary

January 1973

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NOTES AND COMMENT

School children and other visitors to the capitol who are shown the white marble statue of Queen Isabella and Columbus in the center of the rotunda and the murals around its walls must wonder why such bland meaninglessness should have so prominent a place in a modern statehouse. We wondered, too, and asked Sacramento art critic Charles Johnson to look into it for us. His report follows:

There is a schizophrenic quality about the architecture and interior decor of the California State Capitol. The exterior, gleaming in its neo-Renaissance pretension, is all that an American state capitol should be — grand and bland. But the grandeur of the outside is mocked by the rawboned, corny, and at times stifling character of the inside.

The gigantic wooden doors are properly intimidating, but the awkward proportions of the hallways and the coarseness of the mosaic floors are a great let-down. The completely undistinguished portraits of the state's Governors are forgiveable: one does not demand art in something so clearly ceremonial. Even the great "Driving The Last Spike," although it does no credit to Thomas Hill, an outstanding California painter in his day, is spectacular enough to get by, despite its spurious historicity.

The county exhibits in the corridors of the East Wing are agreeable only when they are (unintentionally) funny. Grimly commercial and almost invariably clumsy, they degrade what little air of portent the building manages to impart. Only in the WPA-Moderne reliefs over the East Wing entrance do we find an aspiration toward promotional art of a higher order.

Under the dome

But nowhere is the Capitol's promise of grandeur more rudely repudiated than in the Rotunda, which should have been the decorative centerpiece. The Rotunda seems smaller than the golden girth of the dome suggests, probably because of its decor. This consists of two chief elements: A sculptural group by Larkin Goldsmith Mead (1835-1910) and a cycle of murals by Arthur F. Mathews (1860-1945).

The sculpture, which depicts Columbus, Isabella, and some anonymous spirit, is an example of 19th Century Victorian *kitsch* that has no thematic reason for being in the middle of the California State Capitol and probably ought to be removed to the basement. It is poor art, and it clutters up the space.

The Mathews murals are a more complex matter. Mathews himself occupies a problematic position in the history of California art. At the time the murals were commissioned (1913), he was the foremost decorative artist in the state: his murals, paintings and furniture were extremely popular. But this was in a period when California's prosperity far outreached its sophistication. Long before Mathews died, the status of his art had declined, and until the Oakland Museum staged a huge exhibition of his work early in 1972, he was all but forgotten. The exhibition, in my view, did little to rehabilitate Mathews. His murky pictures, with their pretensions to Greek revivalism, now seem hopelessly backward. They lack even the saving grace of being quaint.

One of Mathews' defenders is Harvey L. Jones, the Oakland Museum curator who compiled the exhibition and wrote its fine catalogue, in which he admits that the Capitol murals "are not as well unified with their architectural setting as his other large murals." Jones feels the murals, although huge, are overpowered by the Rotunda architecture, and that this may represent a lapse on Mathews' part as a decorator.

Phony idealism

For me, the problem of the murals is partly their subject matter, partly their darkness. The themes are straight out of Mathews' vocabulary of psuedo-Greek idealism. The pictures are supposed to relate to California history, but his "California Decorative" idiom requires that this be translated into symbolic, pageant-like tableaus filled with hefty ladies representing "Fortune", "Adventure", and the like. Although we glimpse miners and Spanish explorers, Mathews' greatest concern was lavished on a stodgy "Ideal City," "The Festival Spirit" and even Medieval knights in armor.

When such spurious ideas are expressed in cloudy tones, the result is instant boredom. Cleaning the paintings would probably help but little, experts agree, for it must be remembered that Mathews was known for his dark palette — a constipated version of the tonalism of Whistler and Puvis de Chavannes. (He never painted outdoors before 4 p.m.) More than cleaning, a darkening of the surrounding walls would probably help open up the paintings spatially, expanding the Rotunda atmosphere. As it is, the paintings hang on the walls like great black spots. Jones suspects the walls originally were darker but new fashions in decorating demanded the present glaring white.

Few state capitols can boast the powerful imagery of Thomas Hart Benton's "John Brown" at Jefferson City, Mo., and any attempt to replace the Mathews murals would probably result in some equally tiresome official art. The Mathews murals deserve to be preserved because his art was an important historical landmark in California. But, then, so was the Asian Exclusion Act.

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Assembly Decides to Develop Its Own Prototype Steam-Powered Car to Reduce Air Pollution

The California Assembly will invest $3 million of Assembly funds to build two small, four-passenger, steam-powered prototype automobiles in the next 18 months. As unlikely as a car-building Legislature may seem at first blush, it is nonetheless a logical development for one that has already produced three steam-powered buses. The steam-bus project, however, was financed by a grant from the U.S. Department of Transportation, which marked the first time that the federal government had contracted with a state legislative body to provide anything at all. The steam-car project, on the other hand, is wholly sponsored by the California Assembly. Under contract to the Assembly, two California companies will build the two prototype cars, and each is to optimize existing steam-propulsion technology in an application that will strike at a major cause of air pollution in California, namely the urban-suburban automobile with its internal combustion engine.

Speaker Bob Moretti explained the Assembly's initiative by citing its "leadership in the fight for clean air standards", which produced the California Pure Air Act of 1969 and heavily influenced the federal Clean Air Act of 1970 with its stringent automobile exhaust emission limits that must be met by the industry starting in 1975. "That fight is now bogging down," Moretti wrote the Rules Committee on November 13th regarding the project. "There is serious doubt about whether the internal-combustion engine can be modified or controlled to meet the 1975 federal standards. Even so, there has been little effort to develop alternatives to the current internal-combustion engine. This means that, if the internal-combustion engine does not meet the federal standards, we will have to choose between stopping automobile production or continuing to mass produce smog."

Into the breach

Moretti, a relatively recent convert to steam propulsion, was joined in the request for the project by Assemblyman Frank Lanterman, who has been an outspoken advocate of steam propulsion ever since his arrival in Sacramento more than 20 years ago. Both represent portions of Los Angeles County, where a malevolent combination of automobiles and atmospheric conditions led to the coining of the word "smog" to describe it. Lanterman and the Speaker recalled the Assembly's undertaking of the bus project in 1969 under the leadership of Moretti's Republican predecessor, Robert Monagan. The bus project had been an outgrowth of hearings on alternate sources of automotive power conducted the preceding year by the Assembly Transportation Committee, of which Lanterman was a prominent member; these, in turn, had followed legislative hearings on air pollution reaching back into the 1950's. The three buses completed testing last year in mass-transit fleets running in Los Angeles, San Francisco and Alameda counties.

Though testing of the steam bus by the state Air Resources Board and the Highway Patrol turned up what the Assembly considered to be essentially promising results — the buses *had* run, after all, and, though not specifically designed to be "clean" vehicles, *had* easily met the 1975-76 federal emission standards — the federal government rejected a bid to continue work on the project, the next phase of which was estimated by the Californians to cost about $12 million and would have advanced development of steam buses to the pre-production stage. (Another try for federal help is expected to be made later this year.)

The automobile industry, for its part, seems bent, as the *Los Angeles Times* reported on November 12th, on watering down the clean-air standards rather than either making the internal-combustion engine clean enough to meet them or developing an alternate source of power that could. Alan F. Senger, Pacific Coast representative of the Motor Vehicle Manufacturers Association of the United States, points out in the industry's defense, however, that the Ford Motor Company has invested at least $4 million in a steam engine to propel a full-size passenger car, while both General Motors and Chrysler are also doing some steam- and electric-propulsion research. The Assembly views the sincerity of Detroit's projects with some skepticism, however, and considers them overly ambitious, given the present state of steam-propulsion technology. In any case, there is little chance of success by 1975, and smog in California is at a crisis stage right now.

'Question of priorities'

As for California's executive branch of government, its efforts apparently have been focused basically on broader concerns of transportation planning, including creation of a new Department of Transportation under legislation signed by Governor Ronald Reagan last month. The new department, according to William S. Weber, Chief of the Office of Transportation Planning in the Business and Transportation Agency, will give the executive branch the capability of taking on research of this nature. "There was not a lack of interest in steam," Weber says. "It was a question of priorities. When the Legislature undertook the steam-bus project, our office was brand new, and we're only now approaching the point where the administration is ready to undertake this sort of research."

From the Assembly's viewpoint, therefore, it is a

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question of doing something its members deem important and nobody else is doing. "We either drop steam or go ahead on our own," says Moretti's legislative assistant, William Hauck. "To some extent, the circumstances have made the policy." It was in those terms, with a pat on the Assembly's back, that Moretti and Lanterman concluded their justification to the Rules Committee for undertaking the unprecedented "legislative" task: "It is our judgment that this project is of the utmost importance to the people of California. It continues the role of the California Assembly as a leading force for constructive problem-solving in our society."

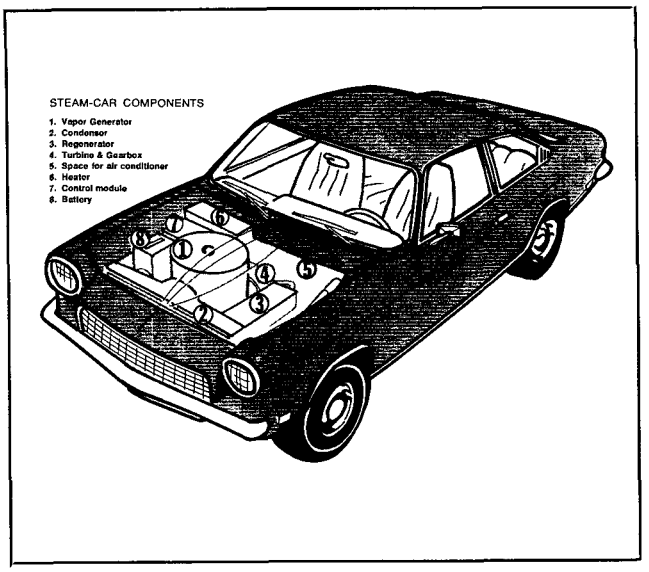
Proposals are sought

With the Rules Committee's approval, the Assembly Office of Research was authorized to request proposals for building the small steam-car prototypes. The office's nationwide solictation produced 10 proposals, according to Director James A. Lane. Six of these were determined to be valid proposals and were turned over to an independent panel of three experts, plus the technical consultant and project manager for the steam bus, with Lanterman also sitting in, for further technical evaluation. The panel narrowed the contenders to four, three of which were very close on the point system used as a means of comparing the varied proposals. Finally, Lane recommended to the Rules Committee that the two California firms among the finalists — the other two were from Massachusetts — be awarded contracts, partly because of proximity but also because, Lane says, "all other things being equal, I thought that Assembly funds should go to a California company".

Consequently, contracts were negotiated with Aerojet Liquid Rocket Company of Sacramento and with Steam Power Systems of San Diego in collaboration with the Berkeley engineering firm of William Brobeck and Associates. SPS built the steam bus tested by the Southern California Rapid Transit District; Brobeck built the version used by A-C Transit in Alameda County; Aerojet, which is heavily involved in space-propulsion technology, is building a steam engine for use in a larger passenger car for the federal Environmental Protection Agency. "We feel that we're dealing with known quantities," Lane says of the contractors.

Limitations of technology

According to the prospectus sent out by Lane's office, the two firms are each to produce a "small, four-passenger steam car which would be designed for urban-suburban use". The specifications, Lane explains, seek to match the need to clean up a major cause of air pollution to existing steam-propulsion technology, which is relatively primitive but proven (by the steam-bus project) to be a practical and nonpolluting source of automotive power. The basic existing limitation of technology is the condensor, which is insufficient to cool the size of engine needed to power heavier vehicles (such as the one Ford is working on and Aerojet's EPA project). Moreover, no successful organic fluid has yet been developed — Aerojet and others are working on one — to replace water (which renders a steam-powered vehicle susceptible to freezing) as an effective and safe steam-producing element. But even with these limitations, Lane explains, it seems possible to build an adequately powered car the size of the subcompacts, which are increasing their hold in the automobile market, for use in urban-suburban settings, where the



smog is. Further, in the Los Angeles Basin and the San Francisco Bay Area, the state's two major smog areas, freezing is rare.

The prototype to be constructed by SPS-Brobeck will be "built from the ground up," Lane says. This will provide design freedom in the efficient fitting of the steam engine in the vehicle. Aerojet, on the other hand, will fit its engine into a Chevrolet Vega. Specifications call for both prototypes to be able to:

- Accelerate from a standstill to 60 miles an hour in 30 seconds.
- Attain a maximum speed of 70 mph.
- Climb a 30 percent grade (30 feet rise in 100 feet of road).
- Maintain a speed of at least 50 mph on a 5 percent grade.
- Be as safe as conventionally powered automobiles.
- Produce exhaust emissions not more than half the 1975-75 federal vehicle standards that have the automobile industry in such a tizzy.

The aim, Lane says, is to show Detroit that such a vehicle can be built for use now in a specific regional market — Los Angeles and San Francisco — where nearly one million cars are replaced each year. "If even 250,000 of those replacement cars could be clean," Lane suggests, "we would make a measurable improvement in air quality, and Detroit could produce them with only 2.5 percent of its annual output, which is certainly more feasible than completely converting to steam." In other words, one plant could supply enough steam engines to enable the earliest possible production of clean cars, all of which could initially be channeled to California's high-smog areas.

Lanterman is more outspoken in his opinion of what the Legislature seeks to accomplish by undertaking its own steam-car project. "I know that what we're doing can be subject to questioning and will be disputed," he says, "but I know that no one else will do it. We will not tolerate this indifference to the people. It is our intention to shame the industry. We're lobbying for the people, to say, 'God damn you lunkheads, get the cobwebs out, throw out your cast-iron pollution foundries, and stop spending so much time and money on design

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and merchandising gimmicks.' It's a national service that we're doing!"

Under the Assembly contract, the private firms will contribute about 46 percent of the cost of building the two prototypes, exclusive of administrative costs, which are to be borne by the Assembly. The entire project is budgeted for $4,282,300 (more, incidentally, than Ford is spending on its). Of this, the contractors will contribute a total of $1,310,861 and will retain ownership of the prototypes (with any profit produced by them going to repay the state). The Assembly will contribute $2,827,139 toward building the prototypes, plus $144,300 for administering the project, a total state cost of $2,971,439. Of this sum, $500,000 has already been made available from the Assembly's contingency fund for the current fiscal year; the balance will require a separate appropriation of about $2.5 million to the Assembly's 1973-74 budget.

(The Assembly's leadership apparently assumes that the steam-car appropriation will go unchallenged by Governor Reagan because of the tradition that the executive branch accepts the Legislature's appropriations for its own operation, as does the legislative branch in reviewing the budget for the Office of the Governor. Whether steam-car building will leave this tradition undisturbed remains to be seen, but the Speaker anticipates no problem of approval.)

Two consultants hired

Management of the project will parallel that of the steam bus. The Project Director is the Director of the Assembly Office of Research, namely Lane, who is scheduled to be succeeded by Hauck next month. Day-to-day management will be handled by a private Sacramento firm, California Research Consultants. The choice of CRC for the management work was made without open bidding, Lane says, because his own imminent departure will leave only one remaining available person with intimate knowledge of the steam-bus project, Michael Wenstrom, formerly of the Assembly staff and now with CRC. (Wenstrom, incidentally, is a regular contributor to *California Journal*). Roy Renner will serve as technical consultant, as he did for the steam buses. Both consultants will be paid $200 a day plus expenses as their services are required, up to the total budgeted administrative cost of $144,300.

Aerojet and SDS-Brobeck will be paid only as each of a series of "milestones" is achieved (as determined by Wenstrom). At the end of the 18-month research period, assuming that all goes well, the prototypes are to be delivered to the Assembly for three months of testing by Renner, the Air Resources Board, and the Highway Patrol, as was done with the steam buses. Should the tests bear out Lanterman's and Moretti's optimism that a steam-powered small car is immediately practical, a next step would be to install the successful engine in a number of state cars for more rigorous testing in everyday urban-suburban driving conditions.

Somewhere along the line, it is hoped, someone in Detroit will see profitability in the venture. "We shouldn't be in the manufacturing business," Assemblyman Lanterman concedes, "but we're going to produce a prototype. If you're concerned with the sulphuric fumes you've been breathing and have seen what damage it does to the lungs, then it's mandatory that we do something about it. And the internal-combustion engine is inherently dirty and wasteful."

New Population Figures Boost State's Share of Federal Revenue

The U.S. Treasury Department has announced that the federal revenue sharing allocations to state and local governments have been revised, based upon a special Census Bureau survey of current population data. Several states have been notified of substantial reductions in their allocations, but California is among the gainers. The revised allocations for California and five other major states are as follows (in millions):

	Original Estimate	Actual	Increase
California	$556.1	$565.4	$9.3
Illinois	274.7	275.8	1.1
Michigan	221.9	226.2	4.3
New York	591.4	594.2	2.8
Pennsylvania	274.0	279.9	5.9
Texas	244.5	250.3	5.8

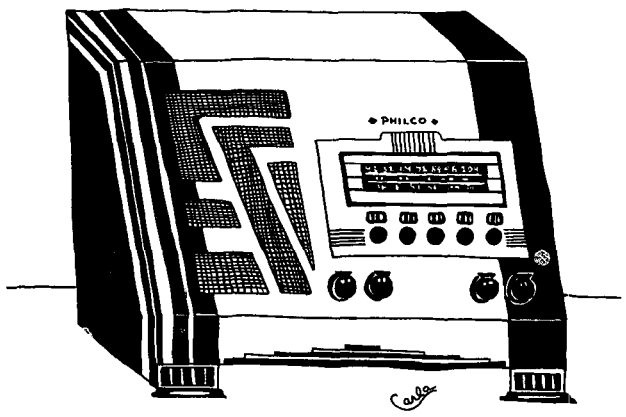
Although the shares to the six largest states all went up, several states suffered significant reductions. Alabama's share was down $24.7 million from the earlier estimate, and South Carolina's share fell by $8.7 million.

The $9.3 million increase for California will be divided $6.2 million to the cities and counties, and $3.1 million to the state, according to the 2 to 1 split provided in the State and Local Fiscal Assistance Act of 1972. But the gain will not be shared by all local government units. The revised figures for California's six largest cities are:

	Original Estimate	Actual	Change
Los Angeles	$35,442,819	$31,881,340	−3,561,479
San Francisco	19,276,751	17,845,488	−1,431,263
San Diego	6,527,384	6,328,152	− 199,232
San Jose	4,033,206	4,211,882	+ 178,676
Oakland	5,775,003	4,654,858	−1,120,145
Long Beach	3,746,725	3,064,952	− 681,773

Needless to say, the reductions have produced a good deal of unhappiness (although all recipients were warned that the original estimates, which were based upon 1967 census data, were subject to revision) and have in no way diminished local distrust of federal intentions in the revenue sharing program.

(For a detailed report on revenue sharing see *California Journal*, October 1972, page 289.)



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Governor's "Legacy" Task Forces Seek Ways to Strengthen Local Government, Increase Public Safety, Cut State Taxes

Governor Ronald Reagan, who has repeatedly announced his intention not to seek a third term in 1974, has established three major goals for his administration during his last two years in office as a legacy for the people of California. The three goals are substantial tax reduction, a broad attack on law enforcement problems to produce significantly increased public safety, and major local government reorganization. These obviously are ambitious goals, the substantial achievement of which would be of perhaps historic significance. However, whether they are achieved or not, there is considerable interest for students of government in the way in which the Reagan administration is preparing its proposals.

Government by task force

Ad hoc committees, blue-ribbon commissions, special advisory groups and similar short-term bodies created for the purpose of studying, and occasionally solving, significant contemporary problems have a long and checkered history in California. Their popularity has reached an apex, however, under Governor Reagan. Task forces, as such bodies are referred to in this administration, have been key policy-formulation devices for the Reagan regime since even before it took office.

Immediately following his election in 1966, Governor Reagan's staff set up temporary headquarters a short distance from the Capitol to prepare for taking over the reins of the executive office in January. One of the first projects undertaken was to organize a series of "Citizens' Task Forces on Efficiency and Economy." These brought citizens — mostly businessmen — to Sacramento to review state government, department by department, and recommend ways to increase efficiency and cut expenditures. The task forces produced 1,483 recommendations by the end of the Governor's first year in office. Some of these were implemented immediately, and most were at least partially implemented by the end of the second year, according to the administration, although no exact measure of the financial savings that resulted has ever been released.

Early in 1970, the Reagan administration launched two more task forces, one on education, the other on Medi-Cal and welfare. The Governor's Commission on Education Reform (see *California Journal,* October 1970, page 286) studied the administration and financing of the state's public schools and institutions of higher education. It operated in semi-secrecy and with very limited assistance from persons considered to be experts in those fields. The task force completed its work in late 1970 and issued its recommendations in a report published in Jannuary 1971 entitled, *Report of the Governor's Commission on Education Reform.* Very little was done at the state level to implement these recommendations, however. Edwin L. Meese, the Governor's Executive Assistant, explained the absence of state action by pointing out that the state could do little in this field, because implementation of the recommendations, depended on local school districts.

Public assistance reform

The other task force, entitled the Public Assistance Reform Task Force, was destined to accomplish much more. It produced the initial proposals to the Governor for the major Medi-Cal reform measure of 1971 and the Welfare Reform Act of 1971. Although negotiations with the Democratic-controlled Legislature significantly changed the proposed legislation, the basic structure remained as recommended by the task force. Moreover, many task force proposals were implemented administratively. (For an analysis of impact of the Welfare Reform Act see *California Journal,* December 1972.)

The public assistance task force was headed by two of Governor Reagan's senior officials — Ned Hutchison, the Appointments Assistant to the Governor, who had worked for a year on implementing the recommendations of the businessmen's task forces, and Robert Carleson, then Deputy Director of the Department of Public Works. Also working on the task force were Charles Hobbs, then Deputy Director of the Department of Social Welfare and Ron Zumbran and John A. Svahn, who eventually moved to the Department of Social Welfare along with Carleson, who became the Director of Social Welfare.

Selecting priorities

About a year ago, with the public assistance task force recommendations nearly all carried out, the Governor, his top staff, and his cabinet began to consider the primary goals for the remaining years in office. This 'top management team" met for a day away from the capitol to consider recommendations submitted by department directors in response to a questionnaire soliciting suggestions for further task forces. The Governor's staff and cabinet then attempted to narrow the list to the problems that should receive special attention over the remaining years of the Governor's term.

Six months of meetings subsequently produced six major problem areas: environmental protection, tax reform, tax reduction, education and education finance, public safety, and local government organization. Three were eliminated, according to Meese, because sufficient progress was being made or had been made in those

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areas in recent years to relegate them to lower priority. Environmental problems were eliminated, Meese said, because the administration felt that it had made or was making major strides in controlling water and air pollution, managing solid waste, disposal and protecting the coastline. Major tax reform was contained in legislation then close to passage (it finally passed as SB 90 in December), according to the administration, permitting that goal to be dropped, although some aspects of tax reform remain as an important part of the tax reduction task force's concern. Education and education finance were eliminated for a number of reasons. In the first place. Meese said, the earlier task force on education had accomplished some basic objectives. Second, the tax reform legislation contained provisions to help resolve the school finance crisis, and perhaps even to satisfy the court's mandate, expressed in the case of *Serrano v. Priest*, to equalize per capita school expenditures. Third, he continued, the Governor's Office intends to work closely with Wilson Riles, Superintendent of Public Instruction, to improve educational quality.

Thus, three task force subjects remained — tax reduction, local government organization, and public safety.

Meese hastened to emphasize that selecting these three goals to guide the administration's efforts over the next two years should not imply a lack of concern for the other problems confronting state government. "These are top-priority, long-range, problem-solving ventures, as distinct from major programs of the administration on an annual basis," he explained.

Tax Task Force Principles, Policies and Goals

In the case of the tax reduction task force, for example, there were six principles, which can be summarized as follows:

1. Taxes must be fair and equitable among various economic groups.
2. The tax system must be simple.
3. It should be used for raising revenue, not accomplishing social goals (such as income redistribution).
4. Taxes should be neutral among competing interests.
5. They should be visible.
6. They should be low — a stimulant, not a deterrant to growth.

These principles led to the following policies:

1. The tax system should utilize the "user-fee" concept.
2. It should promote California's ability to compete with other states and countries.
3. The uses of revenue should be visible.
4. Taxes should not promote misallocation of resources, such as an inventory tax that encourages the shipment of goods out of state at tax time.
5. The voters should have strict control of taxes.
6. Each level of government should be responsible for raising the money it spends.
7. New programs mandated by the state should carry their own fundings.
8. And taxes should be neutral "so that business and economic decisions are made on the best economic information instead of tax considerations".

Finally, the policies yielded a series of goals and objectives for the tax system:

1. A taxation-spending ceiling.
2. Surpluses refunded to taxpayers.
3. Propoerty-tax reduction.
4. No income tax increase.
5. No increase in federeal spending in California.
6. An incentive system for government employees to "cut, squeeze and trim".
7. Elimination or reduction of unsuccessful programs.
8. And a vetter balance between types of taxes.

Similar series of principles, policies, and goals and obectives approved by the cabinet guide the work of the public and local government task forces.

Task force organization

In early 1972, the management consulting firm of McKinsey and Company provided some top-level assistance on a voluntary basis to recommend organizational structure and procedures for the administration's work on these problems. The structure finally adopted is substantially the same as that of the public assistance task force, though some of the procedures are new.

Each task force consists of a full-time staff of four-to-six persons from state government and the private sector who have some familiarity with the issue to be studied, without necessarily being professionally involved in it. Each task force is guided by a steering committee headed by a member of the cabinet and composed of top staff of the Governor's Office, members of the Cabinet (some of whom are specifically designated responsibility on the steering committee, but all of whom are invited to attend), and other interested executive agencies. No "outsiders" are on the staff or steering committee. The task force meets with the steering committee every two weeks, and the entire group meets with the cabinet and the Governor monthly. Thus, every step of each task force's work is closely monitored by the Governor and his top aides.

Both the tax reduction and public safety task forces have operated in much the same way, following a pattern suggested by McKinsey and Company. First, a broad statement of purpose is drafted leaving the task force maximum latitude in defining the specific problems it will tackle. The actual work then follows a four-phase program. In the first phase, the problem is analyzed to determine what forces produced it. Next, attempts are made to define the severity of the problem and what changes may be needed. The third phase, commanding the bulk of the task force's effort, involves proposing solutions to the problems by following general principles agreed upon by the steering committee. These principles, policies, and goals and objectives serve as guidelines, acording to one of the staff members, and are not hard and fast structures for the task forces.

Public safety task force

The formal name of the public safety task force is the Governor's Select Committee on Law Enforcement Problems. It is headed by Ed Osborne, who resigned as county counsel of Ventura County to take this position. Other members are Vern Gross, a former professor and NASA systems manager and science appointee to the California Council on Criminal Justice; Ray Brown, retired Deputy Chief of Police of Oakland and former chairman of the Peace Officers Committee on the Revision of the Penal Code; and two state employees on leave from their agencies — Anthony L. Palumbo, Inspector Geneeral of the California National Guard and former chief of the Office of Emergency Planning and Operations, and Ed Ellers, Deputy Director of the Department of Navigation and Ocean Development.

The public safety task force reports to a steering committee chaired by Meese. Other members are Lewis K. Uhler, Assistant to the Governor and director of the tax reduction task force; Herbert E. Ellingwood, the Governor's Legal Affairs Secretary; Edward A. Hinz Jr., Chief Assistant Attorney General in charge of the criminal division; Dr. Earl W. Brian, Secretary of the

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Public Safety Task Force Goals

The objectives of the task force are spelled out in general terms in the CCCJ grant application:

1. Identify the nature and extent of the problems facing the criminal justice system.
2. Analyze these problems in terms of types of crimes, geographical distribution, characteristics of suspects and victims, and the existence of criminal organizations, if any.
3. Analyze existing crime control measures including existing legislation, law enforcement operations, prosecution practices, the courts and correctional processes.
4. Identify existing programs and projects state-wide that attempt to improve law-enforcement operations.
5. Determine public perception of crime, public expectations of the risk of being a victim of crime, and public expectation of governmental response to crime.
6. Determine the personal, psychological and economic impact of crime.
7. Determine, in order of priority, those law enforcement problems that could most effectively be solved by state action.
8. Develop and evaluate alternate courses of action to solve the problems identified in the previous tasks.
9. Submit to the Governor a written report setting forth its findings and recommending specific projects and programs for implementation by state actior through legislation, initiative measures, executive order, or action by a particular state agency.

Health and Welfare Agency; and Robert A. Houghton, Director of the Division of Law Enforcement.

The public safety task force is funded by a grant from the California Council on Criminal Justice. The total project is to cost $111,980, of which $82,824 will come from the CCCJ and $29,156 is the state's in-kind matching contribution comprised of state employee time, office space, and the like. Full-time staff work began September 1, 1972 and is expected to be completed by the end of February.

Tax reduction task force

The tax reduction task force also began work September 1, 1972, and is due to begin presenting its recommendations by February. The chairman is Uhler, who received extensive publicity as Reagan's Director of the state Office of Economic Opportunity in 1970, when Reagan attempted to terminate California Rural Legal Assistance. Assisting Uhler are Charles Hobbs, special assistant to the Governor and former Deputy Director of the Department of Social Welfare; Richard E. Kazan, chief of research and assistance for the Department of Housing and Community Development, and Sharon Young, formerly on the staff of Assembly Republican Caucus Chairman John Stull. The task force staff is housed in an inconspicuous room on the first floor of Office Building One, with no name on the door and no mention of it in the building's directory.

The steering committee is headed by Frank J. Walton Secretary of the Business and Transportation Agency. Its members are James E. Jenkins, Assistant to the Governor for Public Affairs; Robert C. Walker, Special Assistant to the Governor, John T. Kehoe, Director of the Department of Consumer Affairs; Lawrence R Robinson Jr., Director of the Department of General Services; and H. Herbert Jackson, a Sacramento attorney and former chairman of the Little Hoover Commission.

At the outset, Reagan charged the Tax Reduction Task Force with reviewing the entire tax and public finance system of the state and recommending " a plan for reducing the tax burden carried by our citizens." Obviously, the full-time staff cannot begin to adequately investigate all these areas by itself. Uhler views the staff as a "project management team" to collect information already available, to "prioritize" the work, and to coordinate an extensive network of advisors and consultants (see box) who are doing detailed research on various aspects of the task force's area of inquiry. These advisors are primarily economists from various academic institutions and experts in public policy and finance. "The task force is piggy-backing on the work people all over the country are doing," Uhler says.

Also assisting the task force, of course, are the state agencies, the most important of which is the Department of Finance. As with the other task forces, this one has not yet entered into discussions with the Legislature and its staff about its recommendations and findings. The task force and the steering committee have not yet decided at what point the Legislature will be informed of progress to date.

The task force has determined that, in California, taxes and other revenue at all levels of government constitute more than 43 percent of the total personal income of Californians. Moreover the percentage has grown from less than 30 percent in 1950. In light of both the present percent and the growth rate, the task force is looking at the possibility of imposing a percentage limit on overall taxes and spending as a function of total personal income. Uhler admits that drafting a ceiling that is free from loopholes will be extremely difficult, but the task force believes there is probably no other way to control government spending, although the details of when and how are yet to be decided.

Next, substantial government program reduction can be achieved, according to Uhler, by providing incentives to government employees to reduce spending, by rewarding success in cutting obsolete programs, and by threatening to hold back state support for local programs not run economically. With a ceiling and these incentives, Uhler believes, surpluses will be produced

Tax Reduction Task Force Advisors

The following people are listed by the Governor's Task Force on Tax Reduction as advisors:

Milton Friedman, Professor of Economics at the University of Chicago; James Buchanan, Chairman of the Center for Study of Public Choice at Virginia Polytechnic Institute; J. Clayburn LaForce, Chairman of the Department of Economics at UCLA; C. Lowell Harriss, Professor of Economics at Columbia University and President of the National Tax Association; Peter Drucker, management consultant at Claremont Men's College; William A. Niskanen, Professor at the School of Public Policy at Berkeley; and Craig Stubblebine, Professor of Economics at Claremont.

Harold Demsetz and Armin Alchian, Professors of Economics at UCLA; Roger A. Freeman, Dan T. Smith and Martin Anderson, senior fellows at the Hoover Institution at Stanford University; Glenn Campbell, Director of the Hoover Institution; Anthony Kennedy, Professor of Constitutional Law at McGeorge School of Law; Patrick M. Borman, Director of Research at Pepperdine's Center for International Business; Daniel Orr, Professor of Economics at UC, San Diego; Jay Tontz, Chairman of the Department of Economics, Hayward State University; Edward Banfield, Professor of Political Science at the University of Pennsylvania; Norman Ture, tax-consultant and economist; Proctor Thompson, Professor of Economics and Administration at Claremont; and Frank Goble, President of Thomas Jefferson Research Center in Pasadena.

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that can be distributed to taxpayers.

Those associated with the task force anticipate that the Legislature may be reluctant to limit its own spending powers. Consequently, consideration is being given to a possible initiative this year or next that might include several other items recommended by the task force as well.

Local Government Reform Project

The task force that has received the most public attention is the last of the three to be organized. The Local Government Reform Project, as it is called, first surfaced September 8, 1972, when Governor Reagan departed from a prepared text to discuss "a dream . . . of government reform". In passing, he mentioned a number of startling proposals for substantial local government reorganization which the Governor suggested the state should consider. When the press headlined this aside, the local government reform task force, then under consideration within the administration, was publicly launched, although none of the details of organization, staffing and guidelines had been thought out.

In mid-October, Lieutenent Governor Ed Reinecke announced, in a speech to the League of California Cities, that the Governor had appointed him to chair the steering committee of the Task Force on Local Government Reform. Reinecke listed 15 "questions to which the task force will address itself" (see box).

A month later, on November 13th, Governor Reagan finally announced Reinecke's appointment as chairman of the steering committee of the Local Government Reform Project. He also announced that this task force would have the additional help of a number of special groups made up of citizens and public officials, an advisory group representing local government. The Council of Intergovernmental Relations was assigned the task of conducting public hearings throughout the state.

In the month since the Lieutenant Governor's speech, the list of 15 topics for consideration, some of which had caused consternation among local government experts, had been consolidated into five more general topics:

1. Analyze the current structure of local government.
2. Determine the proper assignment of public-service responsibilities.
3. Inventory the main sources of revenue available to local government to determine how best to allocate all revenue and to find alternatives to property taxes.
4. Study the boundaries of the 58 counties to see if changes can provide more efficient administration.
5. Examine the relationship between state and local governments.

Some observers felt that the Council on Intergovernmental Relations' limited part in the project is a distinct blow to its role in state policy-making in the area of local government. Meese, however, responded by saying that the council's role is very important and that the Chairman of the CIR, Clifford Anderson, and the Executive Director of the Council, James Johnson, will serve on the steering committee. (The full membership of the steering committee had not been completed as this is written, but it is understood that in addition to Anderson and Johnson, the members of the committee will include Meese; Don Livingston, Director of Programs and Policy in the Governor's Office; and John S. Tooker, Director of the Office of Planning and Research.)

The task force will not begin work until late January or early February. Two reasons prompted the delay, Meese said. First, too many task forces "vitiate the ability of the top people of our management to participate", and second, some of the work of the local government task force depends on work done by the tax-reduction and public-safety task forces. As a result, the organizing effort on the local government study is only now catching up to the Governor's speech of September.

Topics for Local Government Task Force Consideration

- Redrawing county boundaries.
- Consolidating governmental units.
- Eliminating governmental units.
- Reassigning sources of revenue to other levels of government.
- Reevaluating methods of school finance.
- Reevaluating methods of other governmental finance.
- Real equity of present tax-program means in order to handle regional problems without forming another level of goverment.
- Examine equal rights under the 14th admendment.
- Extend the *Serrano* principles to services other than education.
- Find the appropriate conduit for direct federal-local programs.
- Simplify information systems.
- Uniform information systems and language to reduce cost without compromising confidentiality.
- Propose methods of handling new problems without forming new government units.
- Study methods of information exchange to eliminate duplication of studies by equal levels of government.
- Examine new management methods to include uniform systems for comparison of performance.

The work of the task force will be funded by a $34,000 grant from the U.S. Civil Service Commission under the Intergovernmental Personnel Act, a $50,000 grant from the regional office of the U.S. Department of Housing and Urban Development, and state matching funds, making the total first-year budget approximately $150,000.

Legacy to the people

With similar staffing and operational patterns, the three task forces seek solutions to very varied problems, and the degree of their success may vary greatly, too. The three problems have in common the fact that they have been around a long time and have not yielded before to major problem-solving efforts. It would be no disgrace to leave these problems behind at the end of his term in office, but Governor Reagan is determined to achieve at least substantial progress in these three areas as his legacy to the people of California when he leaves office two years from now.

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Delta Water Controversy Stalls Construction of the Peripheral Canal, Last Major Link in the State Water Project

By ARTHUR MILLER

California's State Water Project — the world's most ambitious water-delivery system — was designed 15 years ago to deliver water from the wet and sparsely settled north to the populous and parched south. Its basic facilities are now 99.8 percent complete, and northern California water is scheduled to reach the southern-most point at Lake Perris in Riverside County on May 10th. Even then, however, the project will still be a long way from carrying enough water along its 600-mile length to meet the 4.2 million acre-feet annual flow it is committed to deliver by 1990, the scheduled beginning of full operation. Conceived in the growth-oriented 1950's, authorized and financed in the prosperous 1960's, the State Water Project has run head-on into the environmental concerns of the 1970's.

The controversy centers today on the Sacramento-San Joaquin Delta, which was once envisioned as the "hub" of the water plan. A proposed canal to tap Sacramento River water before it enters the delta and carry it for 43 miles around the eastern edge to the California Aqueduct has become the focal point in a debate that appears on first hearing to be a classic confrontation between conservationists and water developers. But the issue runs far deeper than that, and its resolution will involve much more than the Peripheral Canal itself.

Delta decision

The single most important development to threaten the ability of the State Water Project to meet its original water-delivery commitments is the "Delta Decision", which was handed down in 1971 by the State Water Resources Control Board. Known technically as Decision 1379, it sets the flow standards for the delta that must be met before state and federal projects will be permitted to draw water from upstream. Conservationists have acclaimed the decision as the first water-rights decision of the environmental era, and the significance of the board's action becomes apparent in tracing the development of environmental concern about the delta in the years since 1960, when the state's voters approved the start of the project.

Initially, concern for protection of delta water was largely confined to Contra Costa County, and the principal spokesman for that concern was George Miller Jr., Contra Costa's powerful state Senator. In one of the key compromises leading to legislative approval of the 1960 ballot proposal, Miller was able to secure adoption of Section 12202 of the state Water Code, which specifies that one function of the State Water Project shall be "the provision of salinity control and an adequate water supply for the users of water in the Sacramento-San Joaquin Delta". This meant that the project would have to provide for a fresh-water barrier to salt water flowing into the delta, a feature demanded by the farmers in the interior of the delta and the industries located along the Contra Costa shoreline at Pittsburg and Antioch.

Translating this provision into fact has been no easy matter, however, principally because of the difficulty in determining how much fresh water is needed to keep salinity to an acceptable minimum. In 1965, the U.S. Bureau of Reclamation, the California Department of Water Resources, and two delta agricultural groups signed a "memorandum of understanding" that called for a minimum fresh-water flow of approximately 1,500 cubic feet per second, but that standard never became codified. In fact, the understanding was soon repudiated by the Delta Water Agency, which was established by state legislation in 1968 to negotiate contracts with the state and federal governments to set water quality standards. Negotiations have since been at a standstill.

Following Senator Miller's death on New Year's Day, 1969, his role as the county's water-policy spokesman fell to Assemblyman (and now Congressman) Jerome Waldie, who served as Assembly Majority Leader under Speaker Jess Unruh. Waldie quickly decided that Contra Costa's position, which had hardened into unyielding opposition to the Peripheral Canal, needed a broader base than simply the demands of local industry and agriculture. To provide that base, Waldie got the staff of the Contra Costa Water Agency, an arm of the County Board of Supervisors, to undertake studies to show the importance of an adequate supply of fresh water in the delta to the protection of the unique qualities of the entire estuarine zone along the Carquinez Straits and especially the delicately balanced shoreline environment, which can easily be upset by changes in water flows. The experts who directed the studies included oceanographer Joel Hedpeth of Oregon State University; zoologist Charles Goldman and engineer Ray Krone of the University of California, Davis; fishery expert Fred Tarp of Contra Costa Community College; and consulting hydrological engineer Bernard Smith. Their findings provided the ammunition to fight for high water-quality standards; the 1969-71 hearings on state and federal water-right permits, held by the State Water Resources Control Board, provided the forum.

Two-year hearings

The hearings began April 22nd, 1969. From the outset. Contra Costa led the fight against state and

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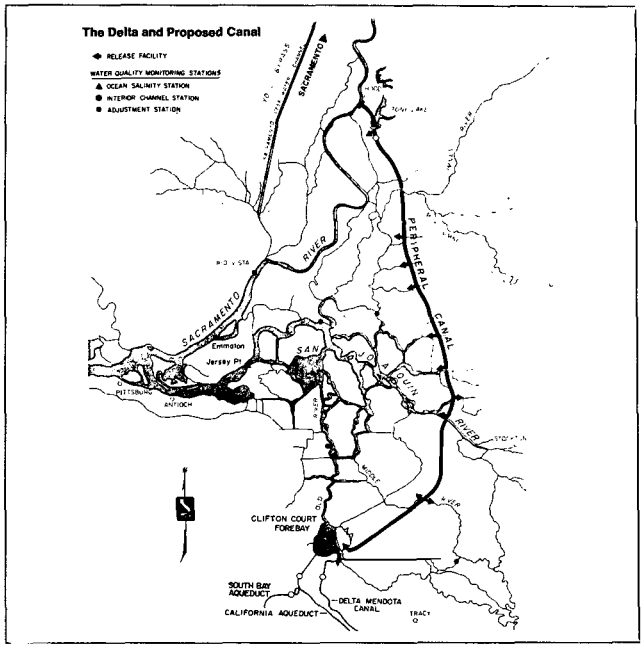
federal applications for water rights that, in its view, endangered the water quality in the delta. Representing the county was the Contra Costa Water Agency, which had hired an experienced San Francisco water attorney named Walter Gleason and had budgeted $1 million to prepare and present its testimony against the state and federal experts. The main thread of Contra Costa's testimony was that the delta environment is so complex that high interim standards are needed to protect it, pending further study. More than two years and 11,000 pages of testimony later, on July 28th, 1971, the board finally agreed and handed down the Delta Decision (see box). The decision set strong environmental criteria to be met by all projects for exporting water, ordered a comprehensive system for monitoring delta water quality, and declared that it would reopen the hearings in seven years to consider final standards based on the experience gained in working with the interim decision. (The toughest criteria, in terms of water flow, turned out to be for protection of the opossum shrimp — *Neomysis awatchensis* — the principal food for young striped bass. Based on testimony from the state Department of Fish and Game, the board set a ceiling for the daily chloride concentration of 4,000 parts per million or less, based on a two-week average, at Chipps Island near the confluence of the Sacramento and San Joaquin Rivers.)

Once they had analyzed the standards, the state and federal water officials protested that the decision would do serious injury to their plans. William Gianelli, California's Water Resources Director, told the Assembly Water Committee last fall, "As a permanent measure of salinity control, we believe the decision requires greater outflows than are reasonably required for the protection of beneficial uses of the delta. Without additional water-conservation facilities, the total potential deficiency in State Water Project water service to its contractors, under full demand, could be about 1.3 million acre-feet per year during a dry period. The average deficiency would probably be around 550,000 acre-feet per year." Robert Pafford, regional director of the U.S. Bureau of Reclamation, has estimated that the Central Valley Project's yield to water customers could be cut by as much as 1.1 million acre-feet, even assuming the Peripheral Canal's existence, which is not yet assured.

Interestingly, the State Water Project's biggest customer, the Metropolitan Water District of Southern California (MWD), has not been among the most outspoken critics of the Delta Decision, even though its annual share of 2 million acre-feet represents nearly half of the project's estimated yield. William Fairbank, the district's lobbyist in Sacramento, maintained before the decision was announced that MWD was committed to "doing right" by the delta, and convinced the MWD Board of Directors to support the Delta Decision "in principle". While the district joined others in seeking clarification and reconsideration of portions of the decision, it did not participate in the subsequent legal fight that now holds the decision in limbo.

Fearful of the Delta Decision's negative impact on their water contracts, several federal and state water customers sought injunctive relief in Sacramento County Superior Court (*Central Valley East Side Project Association, Kern County Water Agency, et. al., vs. State Water Resources Control Board*). On January 14th, 1972, Judge William Gallagher granted a preliminary injunction barring enforcement of the decision,



pending clarification of the legal issues. State Deputy Attorney General Dennis Smaage countered with a motion for dismissal, arguing that the court action was premature since the board's decision was not final but only for the "interim". The plaintiffs, on the other hand, sought judicial review of the decision itself, saying, in Gianelli's words, that "interim conditions that continue for a long period have a way of becoming permanent".

Before Judge Gallagher could decide whether to grant a permanent injunction, the character of the case changed. Intervening on the side of the state board, Walter Gleason, the attorney retained by the Contra Costa Water Agency, filed a cross-complaint against the federal and state agencies, seeking to compel them to abide by the board's decision. Gleason charged that the two agencies intended to ignore the decision, no matter what the court ruled. The U.S. Department of the Interior soon confirmed Gleason's charge, stating its belief that no state agency can regulate a federal project authorized by Congress. Following this statement, Deputy U.S. Attorney Richard Nichols filed suit in federal court to have the Bureau of Reclamation excluded from the Delta Decision. Contra Costa officials, of course, disagree, as does Gianelli. "If the courts were to affirm that the United States is not bound by the decision but that the state must meet the criteria," said Gianelli, "an impossible operating situation would be presented." State and federal water obviously can't be separated as it courses through the delta or along the Peripheral Canal, even if there are legal grounds for operating state and federal projects under different rules.

The case is pending in U.S. District Court in Sacramento, where Judge Philip Wilkins must first decide several procedural motions before considering the principal issue. According to the attorneys involved, there are now several directions the litigation could take, among them:

- The Water Resources Control Board's contention that its interim decision should be allowed to be tested could be accepted in either federal

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or state court, or both, ending the proceedings until a "final" Delta Decision is reached.

- The Bureau of Reclamation could be ruled to be bound by the state board's interim decision, which would open the door for a federal hearing on the merits of the state delta standards.
- The bureau could be removed from the action by the federal courts and the case sent back to the state courts.
- The suit could grow into a protracted water-rights dispute involving the entire Central Valley and all its water-users, becoming the "legal Frankenstein" feared by the late U.S. Senator Clair Engle. Such a dispute could take 10 to 20 years to adjudicate, since each of the thousands of water-users would have to document and justify his use of water.

Whichever way it goes, the issue becomes more complicated as time drags on. As one of the lawyers involved, Frederick Bold, who represents the Contra Costa Water District, has warned, extended litigation in itself could undermine the Delta Decision. "Seven years could well go by," he said, "and we still won't know one more thing about the delta than when we started."

Canal considered essential

Regardless of the court's eventual decision on delta water quality standards, both state and federal water officials consider construction of the Peripheral Canal to be essential to their projects, for it is this canal that is to move northern river water past the delta and into the transmission system that will carry it to southern California. Ironically, the Peripheral Canal was originally planned to alleviate environmental problems that developed as a result of the California Water Plan's original concept of moving water across the delta's interior channels. Forced to look for alternatives, a special federal-state interagency delta committee in 1965 concluded that a canal around rather than through the delta would best preserve its environment and still transport sufficient water to state and federal pumps near Tracy. (See *California Journal*, February 1970, p. 48.) The canal is to have 11 release gates connected with interior delta sloughs to regulate fresh water flows.

The essence of the canal controversy is how it will be operated; that is, how much water will be diverted into the canal at the Sacramento River intake point at Hood, north of the delta (see map), and how much water will be released through the special gates into the delta. Congressman Waldie, who opposes construction of the canal altogether, says, that it has the "awesome capability" of diverting the entire Sacramento River during dry spells. Arguing that the mere existence of such a facility endangers the delta, Waldie also maintains that even in average water years the delicate environmental balance in the delta could be upset by major shifts in water-flow patterns.

The U.S. Bureau of Reclamation, a joint partner in the venture, drew up its plan for the canal and won routine approval from the Senate-Assembly Water Committee in 1969. The next year, Governor Ronald Reagan sent his enthusiastic endorsement to the U.S. Department of the Interior, but construction has still not started. The operation of the canal is closely tied, of course, to the delta water quality issue, and the canal is not likely to be funded by Congress until that issue is resolved. Gianelli and other state officials have urged the Bureau of Reclamation to include the state's standards for delta water quality in the language of the federal act authorizing construction to assure conservationists of the canal's proper operation, but this is a move that the bureau has been reluctant to make pending the outcome of the court cases. Meanwhile, however, the estimated cost of the canal has jumped in five years from $208 million to $274-million.

Congressional fight

It may not be possible to complete an environmental impact report for the canal until the court decisions are handed down, and until the environmental report is completed, Congress has nothing to debate, at least officially. In the meantime, however, another strategy is unfolding. Congressman B. F. Sisk of Fresno laid the groundwork with his $1.6 billion Omnibus Water Bill last year. This bill not only authorizes the Peripheral Canal but also the East Side Project, the Cosumnes River Project, and the Allen Camp Project on the Pit River. Sisk's introduction of the bill reflected the fear among water-users in the Central Valley that the rush to finish the part of the project that is near completion will leave further agricultural water development to an uncertain future. To Sisk, the East Side Diversion, which is designed to deliver approximately 1.5 million acre-feet of water to nine San Joaquin Valley counties, is the heart of his legislation. "We supported the rest of the state," he says, "now we want their support in this time of need."

It has not worked out quite that easily, of course. Sisk's omnibus bill has drawn opposition from two quarters in California. On the one hand, state Resources Secretary Norman Livermore warned Sisk that he is endangering the "crucial" Peripheral canal by linking

THE 'DELTA DECISION'

The following are the principal provisions of the Delta Decision announced by the Water Resources Control Board on July 28th, 1971:

- First priority is to be given to satisfying all delta water needs; all exports of water for any purpose are to have second priority.
- The determination of the level of salt water to be maintained in the Delta is to be based on the beneficial uses to be protected, including municipal, industrial, agricultural, fish and wildlife, recreation, and esthetic values.
- The board may tap the project's "stored water", not only to maintain the fish and wildlife population, but also to enhance it.
- The U.S. Bureau of Reclamation and the state Department of Water Resources must establish a comprehensive environmental monitoring program at 32 delta stations to measure 23 variables, such as salt concentrations, total dissolved solids, nitrates, and total dissolved oxygen.

The board took no position on the Peripheral Canal, but it did note that if project deliveries are not to be curtailed in the future it will be necessary either to construct a cross-delta water-transfer facility or to tap another water source. The board said it will reopen the delta standards hearing by 1978 to set permanent standards based on data gathered through the monitoring program and experience in operating the project.

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it to the lower-priority East Side Project. Congressman Waldie, on the other hand, has charged that the canal authorization was included with other projects to give it a "cloak of respectability". The result has been an impasse. According to James Casey, staff consultant to the House Interior Committee, the Sisk bill will probably remain in committee "until California gets over its schizophrenia".

Waldie, who is now an announced candidate for Governor, finds some humor in the fact that the Peripheral Canal is perhaps the only public works project before Congress that was not introduced as a pork-barrel bill by the affected area's own representatives. "The battle lines are being drawn," according to Waldie. "I would say that 1973 will be the crucial year for California's water plans." Some observers thought that Waldie would be satisfied to proclaim the Delta Decision as a victory, but he has obviously decided to continue the fight against the Peripheral Canal no matter what it might do to his chance for support in southern California for his gubernatorial campaign. To those who say he cannot have both, he answers that in southern California "the need is clearly for more air and less population — and not more water".

State action

Although the two central issues involving the future of the State Water Project are thus mired in the courts and Congress, California officials intend to try to keep the project moving at the state level. Gianelli has announced that the state is ready to build the Peripheral Canal on its own, if necessary, without resort to the federal funds tied up in the Sisk bill. "The canal should be in operation by 1980 from a water-supply standpoint, which means construction should begin in 1975," says Gianelli. "It will be the full-sized canal, because I expect the bureau will eventually come in because it's definitely to their advantage." Elimination of certain pumping facilities would cut the cost of a state-financed canal to about $223 million, but even that reduced sum would present economic difficulties for the state. Two years ago the state was forced to solve a water project money crisis (see *California Journal,* February 1970, p. 47) by a sale of $139 million in revenue bonds on the Devil Canyon and Castaic powerplants to finance work through 1980.

In the Legislature, Assemblyman Robert Badham is preparing a bill to spell out who will pay the cost of carrying out the Delta Decision. Because the decision ordered the state not simply to maintain but to enhance the delta enviroment, Badham has sought to tap the state General Fund to pay for the additional water released from storage to meet salinity intrusion standards. He is expected to expand his bill this year to include mandatory payments from delta water-users who have been getting what Gianelli terms a "free ride" since Shasta Dam was consctructed in 1944. ("The Delta has been the recipient of free salinity control to a far greater extent than anyone contemplated because of the rather slow build-up in demand of state and federal projects," Gianelli says.) Gianelli wants Badham's proposed legislation to go further and require either monetary compensation or water releases from upstream diverters (such as the East Bay Municipal Utility District's Mokelumne River Project or San Francisco's Hetch Hetchy system). The Water Resources Control Board, at the urging of board member Ronald B. Robie, has taken more direct action by moving to sue those water users — primarily industrial — who are illegally diverting delta water. In asking the Attorney General's Office to intervene, Robie said, "We recognized in the Delta Decision that water rights involve quality as well as quantity, yet not one delta diverter has applied for water rights for the higher quality of water he is now receiving." Present estimates are that upstream diversions are responsible for reducing the net outflow in the delta by about 7 million acre-feet, an amount about equal to the water to be diverted by the federal and state projects by 1990. "Since other upstream appropriators have helped to produce the major problem facing the delta, they ought to share with the state and federal projects in their solution," Gianelli argues.

Water Entitlements Outstrip Water Supply

The state Department of Water Resources reports that one effect of the delta water-quality standards imposed by the state Water Resources Control Board will be to create a water deficit in terms of annual entitlements to be supplied by the State Water Project in 1990. Even if the Peripheral Canal is built to draw off Sacramento River water and transport it around the delta to meet the California Aquaduct, the average annual deficit is projected to be 300,000 acre-feet; in a dry year, the deficit would reach 650,000 acre-feet. Without the canal, according to the department's figures, the deficits would be 550,000 acre-feet in an average year, and 1,350,000 acre-feet in a dry year.

Listed below are the areas and districts that have contracted for State Water Project water shipments by 1990:

Area/District	Acre-Feet
North Bay	67,000
South Bay	160,900
Central Coast	82,700
San Joaquin Valley	1,355,000
(Kern County Water Agency)	(1,153,400)
Southern California	2,487,900
(Metropolitan Water District)	(2,011,500)
Feather River	38,140
Total Acre-Feet:	**4,191,640**

Eating cake

Both Gianelli and Pafford of the Bureau of Reclamation have spoken guardedly of the water developers and conservationists "having their cake and eating it too". Their reference is to the possibility that the canal will be built and that the state and federal governments will also eventually agree to the higher water quality standards for the delta. This would require a scaling down of the water delivery contracts, not an impossible compromise now that the state's population growth rate has slowed substantially. Should such a compromise come, however, it will most likely be hammered out in legislative committee rooms, at negotiating tables, and in courtrooms, rather than in any sudden reconciliation of conservationists and water developers.

Whatever the outcome, and even if water delivery capacity is reduced, the California Water Project remains a monument to the technical skills of its planners, who were faced by projections of rapidly rising future water needs. Yet as subsequent events force today's planners to correct these calculations, it seems likely that the water project will be the last such undertaking for a long time — at least in this state.

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Regional Government: Its Structure, Functions, and Finance

By RANDALL SHORES

In the August 1972 issue of California Journal, *we presented an article entitled* "Regional Government Proponents Seek State Action," *which was largely an historical account of the slow development of regional government in California and the problems encountered in further regionalizing the state. Since that time, Proposition 20, the Coastline Initiative, has been passed by the voters, creating a new regional governmental structure in the state. In view of this development, it is appropriate to take a further look at regional government in terms of its apparent strengths and weaknesses, its various organizational forms, and its functions.*

On November 7th, California voters, by a majority of 55 percent, approved the creation of six new regional commissions that may eventually have strong regulatory authority over land use along the coastline. When it comes to protecting the coastline, the voters have demonstrated that they want governmental effectiveness, even if it takes regional government to get it. Thus, the vote can be interpreted as one of no confidence in existing governmental mechanisms and their ability in the past or the future to adequately protect California's coastal zone. Although champions of local government will probably reply that this is an unfair interpretation and point with pride to many good examples of city and county government along the coast, one cannot help but suspect that, on the whole, if these governments had been doing an effective job of planning, controlling development, and regulating land use, the California Coastal Initiative would have never qualified for the ballot, let alone gained approval in a referendum.

This latest addition of six regional commissions further lengthens an already long list of regional agencies and districts set up over the years either by popular vote or by action of the State Legislature. As in this most recent case, however, the overwhelming majority of these regional governments were created to perform a single service deemed to be of critical importance at the time. Examples include the Golden Gate Bridge District, the Sacramento Municipal Utility District, and the Southern California Rapid Transit District. All are organized in accordance with provisions of state law which prescribe the services they may perform, how their governing board shall be constituted, the taxes they may levy, and so on.

In addition, there are several "council of government" regional organizations set up either as non-profit corporations or under joint powers agreements signed by member cities and counties. The organizing initiative for these has come more from the federal government than from local interests. By requiring officials from various local entities to sit down and talk to each other regularly, federal officials have hoped that the administration of federally-aided programs could be accomplished with greater coordination and effectiveness. Although not specifically stated, it was also a federal hope that creation of such organizations would encourage local officials to start "thinking regional".

The principal activity of most councils of government is to review grant-in-aid applications by member governments to determine their conformance with a previously adopted comprehensive plan. The Association of Bay Area Governments (ABAG) and the Southern California Association of Governments (SCAG) are two examples of such regional organizations that plan and review grant applications in a variety of fields (housing, transportation, land use, etc.). The Sierra Economic Development District (SEDD) and the Central California Criminal Justice Planning Board are similarly organized agencies that limit their planning and grant-review functions to a single field.

Not the real thing

What has not yet come about is genuine, multi-purpose regional government in the major metropolitan areas of the state, governmental bodies that would not only plan but also provide services directly to the citizens of the area, services which are either not now being provided, or being provided by existing local governments in a less than effective manner. This is primarily because there is no cohesive group of people or interests in the metropolitan areas advocating multi-purpose regional government as a way of solving their common problems. There have been many successful drives to gain public support for creation of single-purpose agencies designed to deal with critical problems, one at a time, but the rationale for creating multi-purpose regional government tends to remain at a theoretical, philosophical level, easily opposed by those who view with alarm the creation of "another bureaucratic layer of government", the imposition of still another taxing entity, erosion of the "home rule principle", the possible domination of small suburban communities by big city interests, and the loss of influence by local politicians and interests.

Advocates of regional government, however, gen-

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erally argue that existing local governments are intrinsically incapable of providing modern urban services in a responsive, effective, efficient manner for two main reasons: (1) A city's geographic jurisdiction is too small to provide a financial base adequate to support needed services, whereas a county, while having large enough boundaries, is just not functionally organized to provide the services, and (2) city, county, and special district governing board members are part-timers, when the needs of modern society require full-time specialization in the art of government. Most cities, they say, are organized on the council-manager principle and are therefore organizationally equipped to provide the service demanded of them if the money were available. The money has not been available, however, and the service has deteriorated, new services have not been provided, and for this and other reasons city residents have moved out to the suburbs where there may not be so many people close by, but the services, they discover too late, are just as bad or nonexistent. The counties covering large geographic areas have the financial base to provide the services, but their internal organization is mandated by state law and is essentially a patchwork quilt of accumulated historical offices. It is common for one employee to report to two, three, four, or more bosses. Some officials are given responsibility without commensurate authority, others have the authority, but manage to pass on the responsibility. Committees and commisions abound. Overlap and duplication are commonplace.

Moreover, the members of city and county governing boards are often part-time, receive little or no compensation, and, as a result, have a primary interest in some other field of endeavor. The time and interest they can devote to local government affairs is limited, since many of them have to make their livings by other means, and, being part-time, they not only have too little time to devote to local government affairs, but even less for familiarization with governmental theory and structure and the complex role of local government in society. The elected official's learning process occurs on the job, a form of training that can be quite expensive to the taxpayers.

Regional government, on the other hand, by virtue of its very size, offers the opportunity to create governing boards with full-time, full-salaried membership, boundaries large enough to encompass the entire metropolitan service area, and a newly organized management structure, unhindered by the trappings of history. Yet it is also, in some part, for this very reason that the concept of multi-purpose regional government has attracted so few followers, as yet. The exact structure and function of these units remains somewhat unclear, even to many who are attracted by the theoretical arguments. How should the governing board be constituted? What functions should a regional government perform, specifically? What would be the role, if any, of cities, counties, and special districts? Where, in fact, would the region's boundaries be located, and how are they to be determined? How would such regional governments be financed, in view of the limited tax resources available to existing local governments? And, assuming all these questions could be answered with reasonable satisfaction, how can such a government actually be established? Existing forms of local government may have many shortcomings, but they are known quantities and familiar to politicians, local interests, and voters alike.

These questions delve rather deeply into basic political theory and practice, and if and when the various committees of experts and lay persons are eventually convened to draw up the basic document for the state's first truly metropolitan area government, the participants will be faced with a task as difficult and as challenging as one might imagine in this day.

Forms of regional government

Regional government exists and has been proposed in many shapes and forms. In essence, however, they appear to sift into one of three main categories: (1) the consolidated city-county model; (2) the hierarchical model; and (3) the federal model. These are idealized versions, of course; in actual practice, it will probably be found that some combination of all three categories will be necessary to fit regional government into the practical mold of a specific metropolitan area. Nonetheless, thinking in terms of these three classifications may clarify what is wanted in regional government in terms of functions to be performed and organizational structure.

1. *The consolidated city-county model.* The concept of the consolidated city-county is not new; Philadelphia and San Francisco are two venerable examples. In both of those cases, however, the city and county boundaries were virtually identical before consolidation. What is new is the consolidation of a city with a county that is much larger geographically and especially where the boundaries of the county roughly enclose the entire metropolitan area. Just such a consolidation was achieved a few years ago by the City of Nashville and Davidson County, Tennessee. The two governmental bureaucracies were merged, and most of the duplicative offices were eventually eliminated. With a few exceptions, an urban level of service is now provided for the entire metropolitan area by a single unit of local government. A public opinion poll taken after the consolidation indicated that a majority of the residents were satisfied with the results.

Advocates of city-county consolidation are usually careful not to claim that their idea will save the taxpayers money. And substantial identifiable savings have not usually occured in such instances. What has happened has been a general raising of the service level in what used to be the unincorporated portion of the metropolitan area, as well as in what used to be the central city, for the same amount of money previously spent in both areas, by both jurisdictions. This has happened, in part, because the reduced unit costs of county services have permitted a redistribution of funds to the central city area.

One of the obvious advantages to city-county consolidation is that planning for the metropolitan area can be undertaken by a single planning staff that views the entire region's geography, economy, and population as a whole. A second advantage has to do with the elimination of arbitrary boundary lines which stop, delay, or alter the extension of utility lines, bus routes, fire protection, police patrol, etc. The citizens of the area, in turn, have an easier time finding out whom to call to ask for or complain about a specific service.

Finally, there may be stronger social and economic identification by the public with a single metropolitan government. Citizens may tend to think less of themselves as suburbanites, or ghetto-dwellers, or being from one side of the tracks or the other if they think

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in terms of one identifiable metropolitan area. That there may be immeasurable social and economic long-term benefits from this alteration in outlook is difficult to assert, but it certainly can be used as an argument by social theorists that regional thinking builds community identification and cohesiveness by creating more interdependence of neighborhoods, and correspondingly greater awareness and empathy for other peoples' problems.

The major disadvantage of city-county consolidation, of course, is that the single new unit of government may appear to be that much more removed from the average citizen. This can be mitigated somewhat by various devices, such as neighborhood advisory councils, election of governing board members by district rather than at-large, and increasing the number of representatives on the city-county governing board.

2. *The hierarchical model.* Over the past ten or so years, the federal government has enacted many grant-in-aid programs to channel federal matching funds to state and local governments. These programs cover almost every area in local government, including health care, criminal justice, manpower training, and economic development. Many, as a condition of providing funds, require the states and localities to agree to set up a regional planning and administrative structure. A considerable number of these have been created in California and, although differing as to details, they all share the same basic characteristics, and may be classified generally as hierarchical.

The first task of the regional agencies is to prepare regional plans for allocating federal funds for a specific purpose. The plan is compiled from city, county, and local-interest sources and is submitted to a statewide coordinating body for review and comment. The plan is then forwarded to the next higher level, often the west coast regional office of the federal agency, where it undergoes a similar review, and then on to Washington, D.C., for final approval.

Following approval of the plan, grant applications are originated or sponsored by an existing unit of city or county government. The applications are first submitted to the regional agency for review and comment, then passed on to the statewide body for approval. As in the case of the original plan, the grant applications may travel to Washington for final approval. The theory behind this type of government should be thought of in terms of levels, like a layer cake, or hierarchy, with cities and counties reporting to the regional level, which reports to the next higher supervisory level, the state, which in turn reports to the top tier, the national government.

3. *The federal model.* This type does not treat entities of government as levels, but as distinct, independent agencies that exercise exclusive powers not shared by any other entity of government operating within the same boundaries. This principle, which is the constitutional relationship between the states and the national government, can, by analogy, be applied to relationships within each state among its cities, counties, and regions. Just as the national government is authorized exclusive authority to make war, and the states enjoy those powers not specifically denied them or listed in the Constitution as a national function, so too can a basic document authorize the state to license automobiles, regional government to provide police protection, and cities to provide street lights. In this manner, each entity of government ceases to be simply a lower or higher level, with the power to review and approve or disapprove what is done at a lower level. The Bay Area Rapid Transit District is an example of the federal model, although limited in purpose. It is the only agency in the Bay Area authorized to provide subway service.

A major political advantage of the federal model is that, like the hierarchical model, existing units of government are continued. One of the difficulties with the federal model, consequently, is deciding which specific functions shall be allocated to or remain with each unit of government. Some services which may be more reasonably provided by a unit of government smaller than the region are neighborhood parks, street lights, sidewalks, architectural review committees, and local bus service, but this list is not a long one, which suggests the difficulty in justifying more than one agency of local government. Nevertheless, an argument can be made that some sort of neighborhood local government should be retained to serve at least as a focal point for the advocacy of minority sub-regional points of view, and it may be useful to have community elective offices to serve as a training ground for the more responsible elective offices on the regional governing board.

The regional governing board

Once it is determined which of the three foregoing structural models will predominate in a specific metropolitan area, the next step is to organize a governing board appropriate to that structure. Obviously, a council-of-governments type of governing board would be impossible if it is decided that the primary model to be followed should be the consolidated city-county. If the smaller units of government are eliminated by merger with the larger organization, there cannot be any representation from those units. Conversely, if the hierarchical or federal model is followed, it may be desirable to include representation from constituent units of local government in addition to directly elected representatives of local government and indeed, in almost every hierarchical regional organization devised so far, this has been the case.

There are many ways to organize a regional governing board, but the organizers must first come to grips conceptually with deciding whether membership should serve to represent various identifiable interests, or the public generally. Most special district regional agencies have boards that are directly elected by the people, either at-large or by district.

Councils of government are typically composed of a majority of officials who were originally elected to sit on city councils and boards of supervisors. Although its members do represent the people of their area, a governing board so constituted does not embody the one-man, one-vote principle. A small city has the same voting weight as a large county, unless a system of multiple representation or weighted voting is devised. In such cases, there is usually only a rough approximation to population size, since there is a philosophical predilection to give smaller jurisdictions a somewhat larger share of the board vote that they would otherwise be entitled to under a strict reading of the one-man, one-vote rule.

Another disadvantage to the council of governments approach is that it casts elective officials in roles they did not intend to fulfill when they originally ran for office. A city councilman of a small town may suddenly

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find himself making decisions on large urban and regional matters for which he is unprepared. Such councils of government can also give double representation to city residents by both a city councilman representative and a county supervisor representative. This is a conceptual untidiness, however, that is appreciated mainly by students of county government.

Some regional advocates have urged two house legislatures with direct election (one man, one vote) of one house and representation from existing constituent governments in the other house, following the example of the U.S. Congress. Others have advocated a two-house legislature with direct election for both houses, one at-large, the other by district. Still others prefer a single legislative body, elected entirely at-large or by district. The federal government has long favored mixed boards of elective and appointive officials, with the appointive officials representing certain specified interests. For example, comprehensive health planning boards have doctors as members, and criminal justice planning boards have policemen. In the case of the Tahoe Regional Planning Agency, out-of-region and out-of-state interests are represented by appointive state and federal representatives. The rationale in this case is that there is a statewide and national interest in preserving Lake Tahoe, as well as a local one.

Whatever type of governing board is selected, it would appear that direct election would have one immense advantage over the council of governments approach: representatives could be elected to and paid for full-time jobs, so they could devote full time to running the region.

Functions of regional government

Regional governments, ideally, are capable of performing any local government function. For purposes of relating these functions to the particular structural model desired, however, it may be helpful to classify them under seven separate headings: (1) planning; (2) coordination; (3) proprietary services; (4) education; (5) research; (6) servicing other governmental agencies; and (7) regional advocacy and leadership.

1. *Planning.* Planning has been the primary function of many of the regional agencies set up in California during the past decade, largely in accordance with various federal and state grant-in-aid programs. Customarily, one of the conditions of receiving federal and state dollars is that a plan be submitted prior to or as part of the grant application. The plan is supposed to show what the goals of the program are and how the money is to be spent over a period of years. Such regional agencies are also expected to act as "clearing-houses" to insure that duplicative projects are not initiated. For example, a principal rationale for instituting comprehensive health planning regions was to make sure that funds allocated for hospital construction would go to facilities located with regard to the population to be served. In the past, it frequently happened that two hospitals were built in what was really a one-hospital town. Neither was able to attract a sufficient share of the patient population to justify upgrading of plant, equipment, and personnel, while other small towns suffered from not having any hospital at all. Comprehensive health planning was to insure that this situation was neither perpetuated nor encouraged to arise in the future as the result of federal-state funding.

Planning has also been an important function of

State and Regional Coastline Commissioners

All 84 members have now been named to the state and regional commissions charged with drawing up the "comprehensive plan for the orderly, long-range conservation of the California Coastal Zone" called for in Proposition 20, which the voters approved last November. The statewide California Coastal Zone Commission is composed of 12 members, six from the general public, and one each, still to be named, from the membership of the six regional coastal zone commissions. These regional commissions, in turn, have 12 to 16 members, half of them representing the public, half local city and county governments. Appointment of the 45 public members, six of whom are on the state commission, was shared equally by the Governor, the Senate Rules Committee, and the Speaker of the Assembly.

The first task of the California Coastal Zone Commission will be to draw up guidelines and a statement of policy for the regional commissions. The regional planners are to prepare the detailed recommendations that will eventually be written into a statewide plan, which is to provide for "the maintenance, restoration and enhancement of the quality of the coastal zone environment, and for its orderly, balanced . . . preservation". By April 1, 1975, after regional public hearings, these recommendations are to be presented to the California Coastal Zone Commission, which must submit its state plan to the Legislature by December 1975. Once the plan is adopted, the commissions' work will be done and, presumably, a permanent body will be named to carry it out.

Long before the plan is completed, however, the regional commissions will make their presence felt. On February 1st, they will begin administering an interim system of permits covering development within a coastal area extending three miles out to sea and 1,000 yards inland from high tide— in effect creating a moratorium on all development deemed to be adverse to coastal conservation. This provision of Proposition 20 was the most controversial during last fall's campaign. Opponents, among them the building trades and real estate interests, predicted that such a moratorium will bring economic depression and a great loss of jobs, land values, and local tax revenues (see *California Journal*, October 1972, page 310). Under the interim system, anyone who wants to develop any part of the permit area must first obtain a permit from the regional commission (and from any local agency that may also require one).

Proposition 20 provided $5 million from the Bagley Conservation Fund (derived from the 1972 income-tax withholding windfall) to fund the commissions' work. Each commissioner serves without pay, and the proposition specified that each must be "a person who, as a result of his training, experience and attainments, is exceptionally well qualified to analyze and interpret environmental trends and information, to appraise resource uses..., to be responsive to the scientific, social, esthetic and cultural needs of the state".

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CALIFORNIA COASTAL ZONE CONSERVATION COMMISSION

Governor's Appointees	Senate Rules Committee Appointees	Assembly Speaker Appointees	Local Government Appointees
Melvin B. Lane, Publisher, **Sunset**	Fred Farr, Ex-State Senator	Ellen Harris, Conservationist	*
Roger T. Osenbaugh, Member, Sierra Club	Bernard J. Ridder, Publisher, **Long Beach Press Telegram**	Richard A. Wilson, President, Save the Eel River Association	

REGIONAL COMMISSIONS

1. North Coast Region (Del Norte, Humboldt and Mendocino counties)

Donald W. Hedrick, Dean, CSU-Humboldt School of Natural Resources
John M. Mayfield, Ex-Deputy Director, State Department of Conservation
William F. Grader, Owner, Grader Fish Co., Fort Bragg
Dwight May, Rancher
Mildred R. Benioff, President, Mendocino Conservation and Planning Foundation
Walter W. McHugh, Secretary-Treasurer, Humboldt-Del Norte Counties AFL-CIO
Bernard McClendon, Del Norte Supervisor
Richard Brown, Crescent City Council
Guy E. Rusher, Humboldt Supervisor
Raymond E. Mast, Eureka Council
Ted Galletti, Mendocino Supervisor
Bernard J. Vaughn, Mayor, Fort Bragg

2. North Central Coast Region (Sonoma, Marin and San Francisco counties)

Melville Owen, Bay Conservation and Development Commission
Ellen J. Johnck, Recreation Planner
Kenneth M. Stocking, Provost, School of Environmental Studies, CSC-Sonoma
Phyllis Faber, Biologist
Wanda Zankich, Coastal Resort-Owner
Bradford W. Lundborg, Conservationist
Margaret Azevedo, Planning Commissioner, Conservationist
Bob Theiller, Sonoma Supervisor
Gregory Jones, Jr., Santa Rosa Council
Michael Wornum, Marin Supervisor
Frank J. Egger, Fairfax Council
John Molinari, San Francisco Supervisor
Robert H. Mendelsohn, San Francisco Supervisor
Lenard E. Grote, (ABAG appointee)

3. Central Coast Region (San Mateo, Santa Cruz and Monterey counties)

Charles B. Kramer, Monterey County Planning Commissioner
Frank J. Lodato, Member, League to Save Lake Tahoe
Ruth Andresen, Research Geologist
Samuel H. Halsted, Planning Consultant
Norman Walters, Ex-Mayor, Santa Cruz
Julian Camacho, ex-director, Foundation of Research and Community Development, Santa Cruz
Victoria Gibson, Member, League of Women Voters
Herbert Rhodes, Member, San Mateo County Regional Planning Committee
Gerald F. Day, San Mateo Supervisor
Grace L. McCarthy, Mayor, Pacifica
Philip W. Harry, Santa Cruz Supervisor
Al Castagnola, Mayor, Santa Cruz
Warren Church, Monterey Supervisor
Ralph Quinn, Mayor, Pacific Grove
Ilene Weinreb, Hayward Council (ABAG appointee)
James Hughes, (Ass'n Monterey Bay Area Gov'ts.)

4. South Central Coast Region (San Luis Obispo, Santa Barbara, Ventura counties)

M. Bruce Johnson, Chairman, UC-Santa Barbara Department of Economics
Emmons Blake, Vice Mayor, San Luis Obispo
Ira Edward Laufer, Ventura Communications Executive
J. Tim Terry, Insurance Executive, Director of Get Oil Out
Allan S. Ghitterman, Member, Ventura City Special Water Committee, Pierpont Bay Association
Gary Hart, Member, Get Oil Out
Elston L. Kidwell, San Luis Obispo Supervisor
Robert H. Newdoll, Mayor, Grover City
Ralph R. Bennett, Ventura Supervisor
Dorill B. Wright, Port Hueneme Council
Curtis Tunnell, Santa Barbara Supervisor
Ernest C. Wullbrandt, Carpinteria Council

5. South Coast (Los Angeles and Orange counties)

Donald B. Bright, Chairman, Biological Sciences, CSU-Fullerton
Donald W. Phillips, Long Beach Council
Robert F. Rooney, Economics Professor, CSU-Long Beach
Rimmon C. Fay, Diver-Biologist
Judy Rosener, Orange County Environment Coalition
Carmen Warschaw, Member, Los Angeles County Elections Commission
James A. Hayes, Los Angeles Supervisor
Louis R. Nowell, Los Angeles Council
Russell Rubley, Long Beach Council
Arthur Holmes, Mayor, San Clemente
Ronald W. Caspers, Orange Supervisor
James B. Reidy Jr., (SCAG appointee)

6. San Diego Region (San Diego County)

Evans V. Jones, Parking, Traffic Consultant
Malcolm A. Love, Ex-President, San Diego State
Cornelius Dutcher, Developer of Steam Power Systems, Philanthropist
Jeffrey Dean Frautschy, Assistant Director, UC Scripps Institution of Oceanography, La Jolla
Elmer Keen, Geogrpahy Professor, CSU-San Diego
Marvin Kratter, Retired Real Sstate Man, Supporter of Proposition 20
Jack Walsh, San Diego, Supervisor
William A. Craven, San Diego Supervisor
Gill Johnson, San Diego Council
Tom B. Pearson, Mayor, Del Mar
Rolland McNeeley, Mayor, Coronado
Robert C. Frazee, (San Diego Comprehensive Planning Org. appointee)

*Each regional commission will name one representative.

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councils of government. Several of the councils have gotten involved in planning everything from transportation to land use. But they lack the money and personnel to enforce their plans once they are adopted, and have instead relied on existing local government. Typically, local governments have not been strong on regional plan enforcement because of (a) a lack of funds to enforce their plans, (b) philosophical opposition to the existence of the regional entity, and (c) resistance by the local power structure, which sees its prerogatives challenged by the lofty plans of a large regional agency that threatens to circumvent the more easily influenced local governments.

Enforcement of land-use planning requires regulative powers, which most regional agencies don't have. Strong influence over land use can also be exercised with money, but that is something else most regional agencies don't have very much of. For instance, if funds were available, purchase of selected parcels for open space areas could have a significant impact on land use in the nearby area. Similarly, the routes and frequency of bus service. if implemented by a regional agency, could have a substantial impact on land use. Other things being equal, development and people will tend to cluster around transportation corridors, bus stops, and transfer points.

2. *Coordination.* Closely related to the federally-inspired comprehensive planning effort has been the function of coordinating related interests. The regional planning boards typically consist of a wide range of professionals in both related and non-related fields, who would not normally communicate with one another in the course of their daily business. Thus, criminal justice planning boards have brought together at the same conference table sheriffs, judges, probation officers, police chiefs, administrative officers, educators, and businessmen. This certainly improved informal communication among representatives of these various disciplines and has thereby provided an opportunity for informal and formal coordination of their work.

Improved coordination of constituent governmental agencies is an intended by-product of regionalism conducted by the hierarchical and federal models. If City A in the region is stepping up its police patrol to cut down on burglaries, then City B next door had better be informed of this fact. Otherwise burglars may be driven out of City A into City B, decreasing City A's burglary rate at the expense of City B's. Coordination means that both cities would step up their anti-burglary patrols together, evaluating the results region-wide.

3. *Proprietary services.* These are services that generally meet four criteria: (a) the service is not imposed on the citizen; rather, the customer requests the service, and the government provides it; (b) the customer pays for the service received, usually in proportion to the amount of service rendered; (c) the customer's fee payment covers all or nearly all of the government's cost of rendering the service; (d) the service performed could also be performed by private enterprise, and in other areas and at other times probably has been.

In point of fact, a large number of the new urban services being demanded by citizens from government are of the proprietary type, and could be provided by a nonprofit corporation form of regional government. Water, sewer, refuse disposal, electricity, rapid transit, health care, recreation, housing — all are examples of modern urban services demanded on a regional basis that are basically self-supporting, voluntarily sought by citizens, and performed by private enterprise in other contexts. Due to many years of neglect and lack of comprehensive long-term planning, we are rediscovering that it takes a huge investment in capital facilities to establish or reestablish these services. Because of this, the capital outlay must usually be paid for out of taxes, rather than a fee for services. Had original capital plant been maintained and a portion of user fees accumulated as a reserve for depreciation, many urban services could possibly have been continued by regional agencies at little or no increased cost to the taxpayer. (After all, if the ferry system had not been virutally abandoned, the Key System interurban rail system allowed to deteriorate, and other strategic rail line allowed to fall into disuse, would it really have been necessary to construct an all-new subway system for the San Francisco Bay Area?)

4. *Education.* Should a regional government run the primary and secondary school system, or should school districts continue to exist as a sort of separate, independent branch of government? No question is more likely to be as hotly contested down the long road to regionalism. If it is concluded by residents of a region that the school system is but another function of regional government and could actually be improved by being consolidated with it, it would probably require an amendment to the State Constitution. But then, that's not so hard for voters to get these days, once they make up their minds on the question, and local school district government does not have a popular image of effectiveness, any more so than city or county government.

5. *Research.* Although most of our urban problems manifest themselves in governmental problems at the local level, the little research that is being conducted is confined to statewide and national agencies. This is probaly due primarily to the lack of funds and manpower at the local level. A regional government, by virtue of its larger scale, will probably be able to mount at least a modest research effort to find out if there are some more efficient and effective ways to provide regional services. These undertakings, which may very well include demonstration projects, can be financed either through state or federal grants, by a surcharge on fees charged to customers of proprietary services, or by a direct tax. It seems almost unbelievable that so many people are employed and so much money is spent by local government, yet so little is spent on research.

6. *Servicing other governmental agencies.* Providing services to other units of government, as distinct from providing direct services to the general public, is another possible function of regional government. Because of its size, economies can be realized if constituent cities, counties, and special districts are able to contract for such services as central purchasing, data processing, tax collection, communications, engineering, and program evaluation. These central services would probably have to be financed by assessments on using governments which would in turn be passed on to the citizen through the tax mechanism of the contracting local government. In most cases expenses in these fields are already being incurred by local governments, so that a transferal of these functions to a central agency may not necessitate an increase in taxes. In fact, a large central service unit may save money. Many local governments save money by utilizing the

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state's purchasing office. One metropolitan government, not in California, has realized substantial savings for cities within its boundaries by taking out a blanket insurance policy at a premium that costs far less than the total cost of several individual policies providing the same coverage.

7. *Regional advocacy and leadership.* This is one area not indulged in too frequently by existing regional governments. In some cases this may be due to the lack of a strong chief executive; in other cases it may be due to the insecurity of the organization itself. In any case, there is a real opportunity for a region to influence state and national policy far beyond the proportionate voice required by the one-man, one-vote principle. In this connection, it is to be hoped that regional constitution-makers provide for a strong chief executive with the power to propose and effectively carry out regional programs and points of view. Without such authority, regional government will never be able to live up to the promises of its advocates.

Determining regional boundaries

As regional boundaries evolve in California, they seem to take into account at least three basic factors: (1) citizen identification with one central city or urban area as opposed to another one nearby; (2) the shortest commute time to work, shopping, entertainment, and cultural events; (3) the disinclination for people, utilities, roads, etc., to cross over ridge lines. When these three factors are combined, the dividing lines between regions emerge relatively clearly. And more often than not, they are not the same as the historical boundaries of existing cities or counties.

As anyone who has played around with county boundary lines on a map of the state realizes, however, once one boundary is altered, almost all the other have to be altered, as well. It may be easier to transfer, one by one, specific functions of county, city, and special district government to an overlay of newly created regional governments until, after a proper interval, the appropriate reallocation of functions has been accomplished.

Financing regional government

One of the rallying cries against regional government has been that it will offer still another level of government to tax and spend. Yet it may be the saving grace of regional government that taxes need not be the main source of revenue. This may be so because most of the urban services demanded on a region-wide basis are either proprietary or already financed by other agencies or levels of government. Gas, water, sewage, and electricity are examples of services generally charged to customers on the basis of use and therefore partly or completely self-supporting. The same could be said for refuse disposal and public transportation. Air pollution control can be financed by inspection fees. Land-use controls can be financed by permit fees. Agricultural irrigation can be financed via gate charges. Very often it is only the capital outlay required for the initial facilities (pipelines, buses, dams, etc.) that cannot be paid for out of user fees, and must be financed by bond issues or grants or loans from state or federal agencies.

Planning, police, and fire protection are three governmental services that are intrinsically incompatible with the self-supporting concept and must be supported by taxation. If the regional agency is established as another level of government with duplicative services, then taxes must go up. If the function is totally transferred from a city, county, or district to the regional agency, however, the supporting taxes which formerly went to that city, county, or district can be transferred as well.

It also seems very likely that the federal government, which has been one of the chief promoters of regionalism, would prefer to channel its revenue sharing money through regional agencies. If so, the regional agency could rely in part on the federal income tax, at least indirectly, to supply its needs. This opens up the possibility of an eventual regional surcharge on tax returns filed by residents and corporations situated within regional bounadries.

When will it happen?

The political opposition to regionalism is not to be taken lightly. Not only are there hundreds of locally elected and appointed officials who reflexively resist any change which appears to threaten their authority, but the fact that there are so many unknown factors about regional government makes it overpoweringly simply for them to do so. In other states, political leaders have been able to leapfrog local fears and objections by means of decisive state and voter action to establish regional government in major metropolitan areas, but there now appears to be little chance of this in California.

Nevertheless, there is now considerable evidence that California voters are prepared to override the objections of local officials if they believe that important public interests are being sacrificed simply to perpetuate outmoded forms of local government. Passage of the Coastline Initiative suggests that unless the Legislature drastically revises the statutes governing local government to bring them into conformance with the needs of a highly organized, interdependent urban society, the voters may do it for them — and possibly a lot sooner than would otherwise be wished.

State report urges earthquake insurance

The Governor's Earthquake Council issued its first annual report last month, and chief among its two dozen recommendations was one to require California homeowners to carry earthquake insurance. According to Lawrence C. Baker, chief deputy insurance commissioner and a member of the council, the insurance recommendation will likely be proposed to the Legislature early this session. The move had the immediate support of Governor Reagan.

The council reported that when major disasters strike, property-owners often find themselves left without recourse other than emergency federal aid which has been found to encourage fraudulent claims. "It is felt," the report states, "that the private insurance industry is better equipped to cope with the adjustment of disaster claims." Private insurance would have to be mandatory, said the council, to make it "a viable alternative", but it cautioned against creating "windfall profits to the insurance industry" in this way. To carry out its recommendation, Baker suggested that the state could require lending agencies to treat earthquake insurance as they now treat fire insurance, making it a condition of granting home loans. All insurance companies would be required to offer such insurance; some now refuse to write earthquake insurance in areas where quakes are likely to occur.

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Legislators Proclaim Their Accomplishments and Solicit Voters' Opinions Through Large-Scale Mailing Programs

Doubtless, a considerable percentage of California's voters have at best a very dim notion of whom their state Senators and Assemblymen are. It would be remarkable if it were otherwise, despite the fact that California's Legislature works much more openly and is of more manageable proportions in terms of the number of members than the legislatures of most other states. It is a simple fact of political life that relatively few voters, unless they have some compelling personal or business interest, can remember the names of their representatives in Sacramento (or Washington, for that matter) from one election to the next.

It's not, however, because most Senators and Assemblymen like to be forgotten. The Senate and the Assembly now set aside some $2.5 million in public funds to cover the costs of direct mailings to voters — not including staff time devoted to preparing those mailings, nor the time and money spent on press releases, newspaper columns, speaking engagements, press tours, and all the other ways in which legislators attempt to keep their names and achievements before the public. Most legislators, naturally enough, want their constituents to know of their accomplishments, and they are convinced that it is in the public interest that the Legislature help keep the public informed about the main business before it and the manner in which it is handled. Thus, since 1967 the Senate and the Assembly have provided their members a direct mailing service that includes newsletters, constituent polls, and special mailings to selected groups of voters.

The mailing program of each house is administered by its rules committee, which sets the allowance available to every legislator, the frequency of mailings, and any restrictions as to their content. Each Senator is entitled to spend each fiscal year for postage the equivalent of $.15 per registered voter in his district — enough for two and one-half district-wide mailings to each household. In 1971-72, 34 of the 40 Senators took advantage of this opportunity with one or more mailings, although few used up their entire allotment. The Senate guidelines set no limits on the content or timing of mailings except that Senators who are up for election may not send out a mailing within 30 days of a general election. Assemblymen are allowed three district-wide mailings each year and are not restricted as to the postage costs. An Assemblyman may not send out a mailing during the last 44 days before a general election, however, and must allow at least 30 days between mailings. Last year, an election year, all but five of the 80 Assemblymen made at least one mailing.

Both houses now contract with private firms to print and mail the materials their members want to distribute in this fashion. Any private mailing firm may rent a computer tape of the registered voters in each district from the Secretary of State (at a cost of $300 per Senate district and $100 per Assembly district), but legislators usually prefer to deal with firms that are able to personalize their mailings by, for example, inserting each voter's name into the text of a newsletter. From 1967 through June of 1971, Kenneth A. Ross Jr., a former legislator who is now a contract lobbyist for several private interests, had a monopoly on the Senate mailings. Ross's dealings were eventually brought to light in a series of articles by Robert Fairbanks in the *Los Angeles Times*, however, and the Senate Rules Committee's Subcommittee on Communications now keeps a list of direct mail firms that are capable of handling authorized mailings. Until recently the Assembly printed its own mailings at the state printing plant, but it also goes now to private direct mail firms following the Senate's example.

Newsletters

Newsletters make up the bulk of legislative mailings and they range from slick, campaign-style brochures to very simple letters of two or three pages with no pictures. Usually, however, a newsletter will carry a picture of the legislator together with a two or three page report of legislative activity in the areas in which the legislator is most interested. Some of these newsletters are quite general in tone and attempt to appear nonpartisan, even when written by staff members whose principal function is to work for the reelection of the members of their parties. Others more closely resemble the sort of sophisticated political advertisements produced by professionals. These generally include numerous pictures of the legislator at work. Recently, Senate newsletters have tended to be more openly partisan and more elaborate in layout and design than those of the Assembly, in large part because the Assembly has been stricter in prohibiting the use of public funds for distributing blatantly partisan materials.

The ostensible purpose of these mailings, of course, is to inform the voters about current legislative activity and the issues confronting state government. In reality, however, legislators view them primarily as a device for keeping their names before the voters, particularly as election time nears. Newsletters are also used, however, to persuade voters as to the merits of one side or the other on current issues before the Legislature and, on occasion, to encourage voters to suport or oppose ballot propositions. The legality of this latter usage is now being tested in the courts in lawsuits against two Senators who issued materials opposing ballot propositions shortly before the November election. In one case, Sen-

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ator Albert Rodda is accused of using public funds to oppose Proposition 14 (the Watson Initiative) without giving its supporters an equal opportunity to argue their side. In the other case, Senator John Nejedley is accused by Democratic Party leaders in Contra Costa County of using publicly financed mailings and staff to aid his reelection in that county. For a short time after these two suits were filed, all legislative mailing funds were frozen by the Controller, but that freeze was later lifted for all mailing contracts other than the two being contested.

Constituent polls

Another type of mailing, and one that has grown rapidly in favor among legislators, is the constituent poll. Constituent polls range in sophistication from a few opinion questions on a self-addressed postcard to carefully designed questionnaires covering a broad range of key policy issues. In almost every case, the questions are prepared by the legislator or his staff, but occasionally a legislator may obtain professional assistance if the real purpose is to obtain a valid sample of the opinions of district voters. When the returns come in, usually on "self-mailers" that require no envelope and are otherwise very easy to fill out and return, the responses must of course be tallied, even if the legislator is not particularly interested in the results. The Senate provides its members with a computerized tallying service in the Department of General Services. Assemblymen, however, must do their own tallying, and so the summer months, when students are available as volunteer aides, are the most popular polling months for them.

Approximately one out of every five assemblymen and 21 out of 40 senators polled his or her constituents last year. Those that did so generally found the results helpful, but those that did not, apparently consider it a waste of time and money. The difference of opinion is nowhere more striking than in the opposing views of Assemblyman Leroy Greene and Senator Albert Rodda, both of whom represent Sacramento County. Greene, who said on taking office 10 years ago that "if all the people in my district were fed into a meat grinder, I would be what would come out," now likes to poll his constituency as often as possible to find out whether his views match those of a majority of the voters in his district. Rodda, on the other hand, has never felt the need to conduct a constituent poll, largely because he feels it is his responsibility to follow his own reasoning and conscience on difficult questions.

Other Senators are equally unimpressed with constituent polls. Senator Clark Bradley, one of the Senate's senior members, said recently that because he has been representing his district for 20 years he feels that he knows it well enough not to have to resort to an opinion poll at the taxpayers' expense. Senator Robert J. Lagomarsino, who has used constituent polls, remains skeptical as to their value as measures of constituents' views. If a questionnaire is mailed to every household in a district and half are returned, he points out, the number of returns may be impressive but the views of only half the voters will be represented. Legislators who attach great importance to the large number of returns they get as compared with the number of returns used in professional polls, appear to forget that professional pollsters develop their population samples so as to obtain as accurate a cross-section of the voters as is possible, giving them a scientific base that no legislative poll can claim. Most legislators also are not as careful in phrasing and structuring their questions as are professional pollsters, although those who use polls regularly often incorporate some test techniques such as asking essentially the same question twice, with different wording, to check the validity of the responses they get. (Thus, when Assemblyman Green decided a few years ago to ask his constituents whether or not they favored legalizing prostitution, he asked the question twice to assure that there would be no mistake. The response to both questions was strongly positive, and Greene consequently found himself the Legislature's leading spokesman for legalized prostitution in California.)

There are, of course, many reasons for sending questionnaires to constituents in addition to learning their views on key issues. For example. Assemblyman Charles Conrad, who had served his district for 26 years without ever using any sort of publicly financed district-wide mailing, decided to mail out a questionnaire during the general election campaign last year, not so much to probe his constituents' attitude as to put his name before the voters in a different way and to give them a feeling of participating in state government. Unfortunately for Conrad, this may have been too little, too late. for he lost his seat in November by 17,000 votes. Another popular use for constituent polls is to obtain a strong showing of popular support for a position the legislator already believes his constituents favor.

It is up to each legislator, of course, whether or not the results of a poll of his district are made public. Those who poll regularly and attach some importance to the results are most likely to make the tabulated answers public. Those who conduct polls largely for their public relations value often do not. Legislators also differ in the ways they respond to poll results, but most, when asked how they react to the answers they receive, say that they treat them not as mandates but simply as one of many sources of information that guide their legislative activity.

In any case, while constituent polls are gaining in popularity among legislators, they still have a very minor impact on legislative decision-making. In all probability, they are more often used for campaign planning (*e.g.*, to identify key issues) and for mobilizing support for existing positions, than as important guides for legislative action. Assemblymen who have to run for reelection every two years generally feel that they get a good sense of district sentiment in their campaigns, and most of those who are reelected repeatedly understandably came to believe that they know their districts well enough not to need help from polls in which they have little confidence in any case. Much the same is true in the Senate, particularly among those Senators with the greatest seniority, who often have considerable faith in their own judgement as to what is best for their districts.

Still, there are many reasons for using constituent polls and their popularity is likely to continue to grow. One veteran Senator who has never conducted a district-wide poll of this type said he would not in the future, either, "unless one of the assemblymen in my district decides to start using polls to build a base from which to defeat me. If that happens, then I'll do some polling of my own."

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● Field Poll Identifies Major Voting Patterns in 1972 General Election ●

By MERVIN D. FIELD

A recently completed post-election survey by the California Poll provides a number of illuminating insights into the often-unpredictable behavior of the state's voters. For example, The California Poll's survey data show that:

1. Nixon won overwhelming support from Republicans and captured an unusually large portion of Democratic voters (one in three). McGovern, on the other hand, received fewer than two out of three Democratic votes and just 7% of the GOP votes.

2. Nixon lost the California 18-24 year-old vote to McGovern, but carried all of the older age groups by increasingly large margins. Even among the youngest voters, the McGovern plurality was only about 100,000 votes, a disappointing figure when compared with the optimistic pre-election expectations of McGovern's campaign staff. One of the reasons for this small vote edge is that while 18-24 year-olds represent 17% of the voting age population, their proportion of all voters going to the polls last November was only about 12%.

3. Union members and their families deviated from their usual support for Democratic party candidates and a majority this time voted for Nixon.

4. Catholic voters, for the first time in modern California history, voted for a Republican rather than a Democrat.

5. Almost half of the Democrats who voted for Hubert Humphrey in the bitter California primary failed to support McGovern in the general election. Forty-nine percent of them voted for Nixon.

6. Further, about 16% of the Democrats who voted for McGovern in the primary switched to Nixon in the general election.

7. Democrats did not turn out to vote with as high a frequency as Republicans did. Four of five registered Democrats (80%) said they voted, while 87% of registered Republicans indicated they voted.

8. There was a great deal of ticket-splitting by defecting Democrats, however. Most of them returned to vote for Democratic Congressional candidates.

The public opinion polls like the California Poll and the Gallup and Harris polls received a great deal of attention in this election. Some commentators have criticized the polls, saying that they tend to diminish citizens' interest in voting. What incentive is there for the average voter to take the trouble to cast his ballot if the election outcome is already known by the polls? the critics ask.

The answer, of course, is that the election outcome is not determined ahead of time by the polls; they merely reflect the prevailing opinion at a given time. Recent history has seen plenty of elections in which voters did change their candidate choices in response to arguments and events. Pre-election polls are only one of the many pieces of information that a voter obtains, and there is as yet no evidence that the polls themselves influence voters to behave in abnormal ways.

For example, if people were losing interest in elections it would be expected that voter participation would be declining. Yet on last election day about 63 percent of the potential voters in the state (civilians 18 and older) registered and turned out to vote (8.6 million out of a total of 13.6 million). This is comparable with 62 percent in the closely divided 1968 presidential election. In that year, there were 11.8 million California civilians of voting age (21 and over) and the total vote cast was 7.3 million.

The 1972 voter turnout was a particularly good showing in view of the fact that the state's voter rolls this time were swollen by the newly enfranchised 18-21 year olds and the voting rate among this group was less than that of older voters. Furthermore, this was not a high-interest election. Pre-election surveys showed that there was widespread lack of enthusiasm for either presidential candidate, and when election day came, almost a quarter-million California voters (228,000) went to the polls but did not cast a vote for President. The extent of voter failure to vote for President once in the voting booth ("drop-off") was almost twice as great as it was in 1968. Thus, despite more widespread publicity for pre-election polls than ever before, and despite diminished interest in the presidential election, voters showed no signs of lessened interest in voting.

VOTE FOR PRESIDENT
BY SOME DEMOGRAPHIC CHARACTERISTICS

	Nixon	McGovern	Other
Statewide	56%	41	3
Men	56%	42	2
Women	56%	40	4
18 - 24	42%	54	4
25 - 34	49%	48	3
35 - 49	59%	38	3
50 - 69	63%	34	3
70 and over	71%	28	1
Union member	53%	44	3
Non-union	57%	40	3
Republicans	89%	7	4
Democrats	33%	65	2
Less than completed high school	48%	48	4
High school	59%	38	3
1-4 years college	61%	36	3
5 or more years college	47%	51	2
Income:			
Under $5,000	57%	38	5
$5,000-$9,999	48%	51	1
$10,000-$14,999	54%	43	3
$15,000-$19,999	63%	32	5
$20,000 and over	68%	28	4
Religion:			
Protestant	66%	32	2
Catholic	53%	43	4

COMPARISON OF VOTES CAST WITH TOTAL VOTE
FOR PRESIDENT IN RECENT CALIFORNIA ELECTIONS

	Total vote (000)	Presidential vote (000)	Difference (000)	Difference ("drop-off") %
1972	8,596	8,368	228	2.7
1968	7,364	7,252	112	1.5
1964	7,233	7,057	176	2.4
1960	6,592	6,506	86	1.3
1956	5,547	5,466	81	1.5
1952	5,209	5,141	68	1.3
1948	4,086	4,021	65	1.6

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Final Summary of the 1972 Legislative Session

The 1972 Legislature adjourned December 1st after completing a three and one-half week post-election session that saw the passage or final defeat of many of the most important measures pending at the time of the recess last August 4th. The Govenor had until midnight December 31st to sign or veto the measures sent to him. On January 1st, the Legislature reconvened for the last of the annual veto sessions called to provide an opportunity, historically futile, to override the governor's vetoes announced after adjournement. The veto session was eliminated by the passage of Proposition 4 last November, which created the two-year legislative sessions inaugurated January 8th.

What follows updates the interim summary published in September's Journal. *Only those significant measures whose status has changed since then are included below. Some measures have been added of course, because they were either introduced or substantially amended since August.*

AGRICULTURE

Pesticide Safety. SB 99 (Petris), which requires agricultural pest-control applicators to file pesticide spray reports with county agricultural commissioners, moved out of the Assembly Ways and Means Committee, where it had been held at recess, and was signed by the Governor on December 14th.

Marketing Regulations. The Governor vetoed AB 719 (Murphy), which extended parts of the 1967 Gonsalves Milk Pooling Act to Grade B dairies. Grade B milk is produced under lower health standards than bottled milk for use in processed dairy foods, and AB 719's aim, according to its backers, was to phase production of Grade B milk into a single higher standard grade of milk. The Governor objected to what he considers an unwarranted intrusion of government regulation in private enterprise.

BUSINESS AND PROFESSIONS

Licensing. SB 1319 (Deukmejian) was signed into law. It prohibits rejecting applicants for state licenses on the vague ground of "bad" moral character, instead limiting this rejection to conviction of a crime related to the specific activity that is licensed. The Governor also signed AB 1986 (Powers), which drops American citizenship as a requirement for obtaining a license, and AB 1263 (Wilson), which makes major home appliance repairs a regulated activity requiring a license from the state. As anticipated in August, SB 1466 (Coombs) was signed; it requires accountants dealing with the public to continue their education in order to obtain a license renewal.

CONSUMER PROTECTION

"No-Fault" Insurance Of the many bills dealing with no-fault automobile insurance, the leading contender at the session break, AB 125 (Fenton), was amended into SB 1493 (Song) in the last days of the session in a final and, as it proved, unsuccessful maneuver to gain passage. The failure was a victory for the California Trial Lawyers' Association, the chief foe of the no-fault concept, under which a driver's insurance company covers the insured's claims regardless of fault, presumably eliminating the need for many lawsuits.

Credit and Collection Practices. AB 2294 (Warren), which appeared to be stymied at the recess, took on a minor amendment and received the Governor's signature. It requires that notice be given to a debtor and that a hearing be held before property can be attached or repossessed. The Governor also signed SB 1148 (Marks), which requires creditors to notify a person in writing when credit is denied or credit charges are increased as a result of information furnished by a credit-reporting agency or credit bureau.

Assemblyman Henry Waxman's AB 620, which would have prohibited suits to recover money owed on a car that is repossessed and possibly resold, was defeated for the fourth year. A similar bill, SB 1156 (Song), died in the Senate Judiciary Committee.

Product Labelling. Before the recess, the Governor signed legislation requiring the ingredients of food products to be labelled in descending order of weight (milk and dairy products and alcoholic beverages excluded), stamping the containers of milk and dairy products with the date when they must be pulled from store shelves, and imposing ingredient-labelling for wrapped bread not sold at bakeries. On December 26th, he signed AB 1198 (Briggs), which defines "imitation hamburger" as consisting of less than 90 percent beef and requires it to be labelled as such on a restaurant menu, together with the ingredients.

Advertising. The Governor signed AB 1538 (Meade), which requires advertisers to prove any claim at the request of the state Department of Consumer Affairs, the Attorney General, or a local district attorney, at the risk of facing a court order for failure to do so.

Regulation. AB 558 (Moretti), which would have made $795,000 available to counties and cities for creating or expanding consumer-fraud divisions, died in the Senate Finance Committee.

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Miscellaneous. The Governor signed SB 1154 (Song), which imposes additional financial requirements on trading-stamp companies licensed to operate in the state.

EDUCATION

Public School Finance. SB 90 (Dills), the compromise tax relief-school finance measure hammered out by Governor Reagan and Assembly Speaker Bob Moretti, finally passed with the help of intensive lobbying by state and local school officials. The principal school finance provisions of the bill appropriate $332 million in additional state aid, the largest increase in school funding in recent years. This amount includes $225 million for the new Early Childhood Education Program, and $82 million in special assistance for urban schools. An additional $229 million is appropriated to reduce school tax rates. The increase in state funding is expected to raise the state's share of public school costs to 43 percent, from 32 percent. To keep school taxes from rising, school districts will be limited to increasing taxes only to offset inflation and enrollment growth, unless district voters agree to greater increases in spending. SB 90 also provides for automatic cost-of-living increases in future state aid and for special loans to school districts that may face cutbacks in federal aid this year.

Two other major school-finance measures, SB 1274 (Rodda) and AB 1283 (L. Greene), died with passage of SB 90.

Governor Reagan signed AB 1628 (Murphy), which continues the $20 per pupil school district unification bonus for 1972-73, and SB 10 (Marler), which postpones the effect on school support of the 1971 change in the age of majority from 21 to 18. The Governor vetoed AB 636 (Brown), however, which appropriated $3 million to extend demonstration programs for intensive instruction in reading and math for low-achieving pupils to grades 11 and 12. Any increase in such funding, the Governor said, should go to the lower grades.

Bilingual education. The Governor signed AB 2284 (Chacon), which appropriates $5 million to establish the first statewide program in bilingual education. Under the new program, any school district may apply to the state Department of Education for funds to operate bilingual programs in the 1973-74 school year, but priority will go to those with the largest concentrations of Spanish-speaking students. Bilingual programs start teaching children in their maternal tongues, only gradually introducing instruction in English language.

Miscellaneous. As expected, the Governor signed SB 1302 (Dymally), which incorporates the principal elements of the Early Childhood Education Program that Superintendent of Public Instruction Wilson Riles calls the "most dramatic achievent in California education in the past 25 years". The only major change was to delete a provision to start public school instruction with four-year-olds.

The Governor also signed AB 99 (Lewis), which was expected to clear the way for expansion of child care programs by giving the Department of Education full responsibility for their administration but instead created enough new problems to halt expansion until a number of key provisions could be interpreted and, where necessary, modified by other legislation.

Other education bills signed by the Governor were SB 987 (Roberti). prohibiting I. Q. tests for pupils who have been in the United States for less than two years, and SB 94 (Alquist). which specifies the adult-education functions of high schools and community colleges and authorizes establishment of Area Adult Continuing Education Coordinating Councils.

The Governor vetoed AB 1360 (Quimby), which would have required the state Superintendent of Public Instruction to appoint a State Instructional Television Advisory Committee and seek to improve instructional television for public school children. The Governor said the measure was too vague. He also vetoed SB 1264 (Moscone), which would have required all school districts to participate in the federal-state school-lunch program (167 school districts now do not).

Higher education. Three pieces of legislation dealing with student financial aid have been signed: AB 1592 (Lanterman), increasing the number of new state scholarships to be awarded each year and the maximum award amount; AB 1794 (B. Greene) establishing a pilot program for state competitive occupational education and creating training scholarship awards; and AB 1832 (Cory), directing all institutions of public higher education to require applicants for financial aid to report both nontaxable and taxable income.

SB 95 (Alquist), which was intended to increase state support for public community colleges by an estimated $46 million, was vetoed. The bill would have eliminated the "defined adult" concept in the state allocation formula that provides a reduced level of support for older part-time students. Reagan said that because of interactions with SB 90, the measure would actually have cost the state $111 million.

Following the example of New York State, the Legislature passed, and the Governor signed, AB 2014 (Arnett). It creates a California Educational Facilities Authority, which will be empowered to issue bonds without state backing to provide loans to private colleges and universities to enable them to build educational facilities and dormitories.

The Governor signed three bills relating to the definition of "resident" students for UC, CSUC, and the community colleges: AB 666 (B. Greene), AB 337 (Meade), SB 10 (Marler), and AB 801 (Barnes).

Among the vetoed higher-education bills were AB 401 (Maddy), which would have raised maximum UC and CSUC student organization fees to $30 from $20, and AB 1703 (Brown), which would have established a formula for continuing appropriations for support of CSUC and community college Educational opportunity programs.

ELECTIONS & REAPPORTIONMENT

Campaign Finance and Disclosure. No major bill in this area passed in 1972. SB 128 and 129 (Alquist) limiting expenditures and increasing reporting requirements died during the November session. AB 1564 (Waxman), which would have provided state income tax credits for political campaign contributions, also died.

Election Procedures. SB 840 (Moscone), which conforms state law to the state Supreme Court decision

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allowing voters to register up until 30 days before an election, was signed by the Governor. The bill also allows absentee ballot to be counted if they are returned prior to the close of the polls.

Reapportionment. See *California Journal,* December 1972, page 371.

EMPLOYMENT AND LABOR

Work Conditions. California finally ratified the Equal Rights Amendment to the U.S. Constitution (see under "Miscellaneous"), and the Legislature also passed a series of labor-backed bills to extend most women's work-protection provisions to men. Labor spokesmen expressed concern that adoption of the E.R.A. would erase laws limited to one sex, though supporters of the amendment maintain that case law tends to support the distinction between "beneficial" and "discriminatory" protective labor laws. AB 1710 (Brown) to extend virtually all such limitations to men was vetoed by the Governor who cited business, opposition. Assemblyman Brown's AB 1713, which would have raised the $1.65 minimum hourly wage to $2, died in the Senate Finance Committee.

Two similar bills granting the Fair Employment Practices Commission the right to initiate complaints whenever it uncovers unlawful employment practices, including sexual discrimination, instead of requiring that a complaint be filed with the commission or on its behalf by the Attorney General, were vetoed by the Governor on December 27th. In returning AB 791 (Ralph) and SB 837 (Dymally), Reagan said he saw "no evidence" that the FEPC needs the additional authority.

Industrial Safety. The 1971 Sylmar Tunnel tragedy produced two major bills in the field of industrial safety, and one made it into law, while the other, more far-reaching, died in the Senate Finance Committee. The successful measure was AB 1157 (Keysor), "The Tom Carrell Memorial Mine and Tunnel Safety Act"; it spells out rescue and emergency training and procedures, requires specified rescue and emergency equipment to be on hand at tunnel construction sites, and provides for licensing workers who handle explosives. AB 1400 (Fenton), "The Industrial Safety Act of 1972", was unsuccessful.

ENVIRONMENT

Wild Rivers. SB 4 (Collier) and SB 107 (Behr), as they cleared the Legislature and headed for the Governor's desk, were very similar, though conservationists retained a preference for the Behr bill. Both impose a 12-year moratorium on dam construction and planning on the Eel River, and ban new dams on the Klamath, Trinity, Smith, and American river systems. The Governor, having vowed to sign whichever of the two bills seemed best to him, chose SB 107.

Environmental Suits and Rights. A state Supreme Court decision in September, *Friends of Mammoth v. Mono County,* presented the Legislature with a new problem. The decision interpreted the 1970 Environmental Quality Act as requiring preparation of environmental impact reports prior to construction of major private, as well as public, projects. Procedures for doing this were not specified, however, and AB 889 (Knox) was eventually passed and signed. The bill validates some existing projects, imposes a 120-day delay in enforcing the EIR requirement and places much of the responsibility for implementing future EIR policy with the state Office of Planning and Research, and the Resources Agency.

Two bills concerned with "standing to sue" or "environmental defense actions" — that is, bringing suit to protect natural resources or to stop pollution or destruction of the environment — failed to pass in the post-election session, possibly as a backlash to the Supreme Court's expansive *Mammoth* decision. AB 806 (Z'berg) died in the Senate Judiciary Committee. AB 366 (Hayes) was refused passage in the Senate.

Environmental Superagency. Democratic Assemblyman Z'berg put together a bipartisan measure, AB 2376, with Republican Senator Howard Way to merge the existing state Air Resources, Water Resources Control and proposed Solid Wastes Management boards into a single new board. It died on the Assembly's inactive file in its first try for passage. The Governor signed SB 5 (Nejedly), however, which creates the state Solid Waste Management Board within the Resources Agency, the first state body of its kind in the field of solid-waste control.

Forestry. The Legislature was unable to pass major legislation dealing with the state's Forest Practices Act, parts of which were struck down by the state Supreme Court as an unconstitutional delegation of power, namely regulation by the industry regulated. SB 183 (Marler), which was signed into law, merely extends existing law for another six months to give time to work out a solution under the impatient regard of the court.

Air Pollution. Senator Anthony Beilenson carried three bills attacking air-pollution problems, and all three — SB 657, 659 and 661 — failed to win passage. They would have required owners of fleet vehicles operating in the South Coast Air Basin to convert from liquid to gas fuel systems, allow disconnection of the vacuum spark advance to cut exhaust emissions of oxides of nitrogen, a major ingredient of smog, and institute a vehicle-inspection program.

Power-Plant Siting. The two remaining bills dealing with where to build thermal electric power plants, SB 1195 (Nejedly) and SB 1310 (Alquist), died in the Assembly Planning and Land Use Committee.

HEALTH

Medi-Cal. The California Medical Association sought to chip away at administrative and medical restrictions in the 1971 Medi-Cal Reform Act in a series of bills carried by Senator Peter Behr, but the Governor used his veto to stop most of those that got through the Legislature. He vetoed SB 1164, which required Medi-Cal consultants to justify "with sound medical reasons" any rejection or reduction of physician prior authorization requests. He vetoed SB 1165, which allowed doctors whose claims had been lost to file a certificate to that effect and speed departmental handling, saying that it would undermine fiscal controls and that "circumvention of billing requirements would be possible". He also vetoed SB 1167, which required the Medi-Cal Director to get the state Health Commission's approval before delaying elective services and to prove knowledge of a program deficit three months before cutting services because of it (as was done in 1970-71), explaining that "prompt action by the Director is essential". SB 1168, which permitted providers to submit

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bills with only Medi-Cal card numbers, if the patient's card with its authorization stickers is unavailable, died in committee, but its substance was amended into AB 758 (Brown), which changed the limit of two doctor visits and two prescriptions a month without prior authorization to 24 visits and prescriptions a year. The Brown bill reached the Governor, who vetoed it on December 26th saying it would remove "all utilization controls".

SB 1169, adding anesthesiologists' outpatient services to the Medi-Cal fee schedule, was signed in August. And the last bill in the CMA-Behr package, SB 1170, which exempted outpatient physician services from prior authorization also reached the Governor who vetoed it for removing an "effective" cost control.

Contraceptives. The Governor vetoed SB 433 (Beilenson), which authorized, without parental consent, contraceptives for minors judged by physicians to be "sexually active" (meaning that they indulge in sexual relations). Reagan called the measure "an unwarranted intrusion into the prerogatives of parents". Beilenson countered that the veto means "more teen-age abortions, more unwanted babies born to teen-age mothers, and more teen-age girls running away from home [in order to obtain an abortion]".

Health Insurance. The two major bills introduced in the field of comprehensive health plans were SB 770 (Moscone), which died in the Senate Health and Welfare Committee, and AB 2 (Campbell), which the Governor had announced to the press on its introduction but never picked up.

The Governor, at the urging of a number of legislators who had voted for it, vetoed AB 1527, a bill whisked by lame-duck Assemblyman William Campbell through both houses of the Legislature with a major amendment included that never received a public hearing. Campbell's bill, as amended, would allow private corporations to operate prepaid health plans for profit, in competition with such nonprofit organizations as Blue Cross, Blue Shield and the Kaiser Foundation. The California Medical Association opposed the bill, claiming that it would lead to "commercial exploitation" of medicine. State Health and Welfare Secretary Earl Brian also urged the veto, though he was reported earlier as saying that while he didn't like the manner in which the bill was passed he had no quarrel with its substance.

Drug Abuse. The two major and similar bills in the drug-abuse field, AB 400 (Campbell) and SB 714 (Deukmejian), were combined in the Deukmejian measure, which the Governor signed with some ceremony. It creates a $14.3 million, comprehensive drug-abuse program operating mainly through community mental health systems. A key provision is the substitution of rehabilitation for prosecution for first-time drug-offenders, if certain specified conditions — such as no violence being attached to the crime — are met.

Mental Health. The Department of Mental Hygiene's plan to close state mental hospitals as local services replace those formerly provided in regional institutions spurred a number of bills. AB 35 (McAlister), which would have forestalled the closings, died in the Assembly Ways and Means Committee. AB 1459 (Vasconcellos), which requires the state hospitals to maintain operation at specified levels until plans have been developed to transfer personnel and patients, reached the Governor, but was vetoed.

HOUSING

Housing Programs. Assemblywoman Yvonne Brathwaite-Burke succeeded in modifying the state's role in the subsidized housing field in a number of successful bills. Under AB 1741, for example, the state can contract with the federal government to lease housing at scattered locations and rent it to persons emerging from state institutions, with the occupants paying up to 25 percent of their salaries in rent. AB 1744, basing property-tax assessments for federal 236 housing on the income from controlled rents rather than on what might possibly be earned, a situation that has tended to reduce funds available for maintenance, was vetoed, but the Governor did sign her AB 1041, which allows linking two geographically separated projects into one, using tax "throw-off" revenue from one to help pay for a less fiscally favored one. Another of her bills, AB 1742, which would have let cities guarantee their own redevelopment loans, died in the Senate Governmental Organization Committee.

Cal Vet. The maximum Cal-Vet home loan amount was raised to $25,000, from $20,000, with the signing December 27th of AB 2249 (Z'berg).

LAW AND JUSTICE

Penal Reform. The closest legislation to qualify as penal reform was probably SB 821 (Nejedly), which the Governor vetoed. It would have created an 11-member Commission on Correctional Manpower Development within the Human Resources Agency to set standards for recruiting and training correctional personnel. However, the Governor did sign AB 1798 (Biddle), which authorizes creation of the state's first training center for newly appointed correctional officers, group supervisors, and youth counselors in the Department of Corrections and the California Youth Authority. No site has been chosen for the facility.

AB 5 (Murphy), creating an independent ombudsman to hear complaints within the state's penal system, was vetoed by the Governor. He vetoed a similar bill last year as "expensive duplication" of existing grievance procedures, and cited the same reason this time around.

Crime. AB 1778 (Sieroty), which reduces conviction for possession of marijuana from an optional felony punishable by six months in county jail, a fine up to $500, or both, to a misdemeanor, was vetoed by the Governor, who said the "deterrent effect" of the law should not be reduced because of the "potentially serious physical harm from marijuana".

Under SB 1419 (Roberti), also vetoed, prisoners are granted the right to uncensored personal correspondence, a right that is now left to the discretion of correctional personnel, a control the Governor said he prefers.

LOCAL GOVERNMENT

The Governor signed AB 974 (Duffy), which gives cities the right to initiate county service areas in unincorporated areas, a bill backed by the League of California Cities. Also signed was AB 1507 (Lanterman), which requires that bonds sold by joint powers authorities be initially offered at public bid.

Also approved was AB 530 (Ryan), enabling councilmen in general law cites to vote themselves cost-of-living raises of up to 5 percent a year, and adding a

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salary schedule for councilmen in such cities that have more than 150,000 residents.

TAXATION

SB 90 (Dills), the Reagan-Moretti compromise that appeared to have failed prior to the August recess, was revised in November and passed on the last day of the session. As signed by the Governor, SB 90 increased state tax revenues by $682 million, mostly through a one-cent increase in the sales tax, effective June 1, 1973. This amount, plus $215 million in federal revenue-sharing funds and $236 million in surplus state revenues were appropriated for local property-tax relief and increased support of public schools (see *California Journal,* December 1972, p. 368).

Governor Reagan signed AB 1201 (McCarthy), which increases by $6.6 million state reimbursement to low-income taxpayers 62 or older. He also signed AB 2387 (MacGillivray), which augments 1972-73 funding for senior citizens' tax relief by $6 million to meet an unanticipated volume of applications for reimbursements. AB 1200 (McCarthy), which would have extended this tax relief to elderly renters, died in the Senate Revenue and Taxation Committee.

SCA 27 (Nejedly), permitting a majority vote for any state tax increase, was defeated on the Senate floor.

Governor Reagan vetoed AB 111 (Cline). It would have increased the personal income tax exemption for heads of households, but at a cost to the state of $20 million.

TRANSPORTATION

The Departments of Public Works and Aeronautics will be reorganized into a new Department of Transportation by July 1st, under AB 69 (Deddeh), which the Governor backed and signed. The new department, a state version of the federal DOT, will have six divisions: Administrative Services, Legal Services, Highways, Aeronautics, Mass Transportation, and Transportation Planning. A primary task will be to develop a state "multi-modal" transportation plan over the next few years (see Newsbriefs).

WELFARE

Program Costs. Legislation to shift virtually all county welfare program costs to the state, SB 540 (Alquist) and SCA 29, died in the Assembly Welfare Committee.

MISCELLANEOUS

Equal Rights Amendment. California on November 13th became the 22nd state to ratify the Equal Rights Amendment to the U.S. Constitution. The sex-equality measure was released from the Senate Rules Committee shortly after the Legislature reconvened on November 8th. An attempt by Senator Dymally to create a joint committee to develop legislative recommendations for making state law conform to the E.R.A. (SCR 83) was opposed by the Assembly leadership and died in the Assembly Rules Committee after having cleared the Senate on a 23-3 vote.

Legislative Reorganization. ACA 95 won a place on the November ballot as Proposition 4, and was passed by the voters. It will enable the Legislature, beginning with the 1973 session, to continue its business over a two-year period (see *California Journal,* September 1972, p. 263).

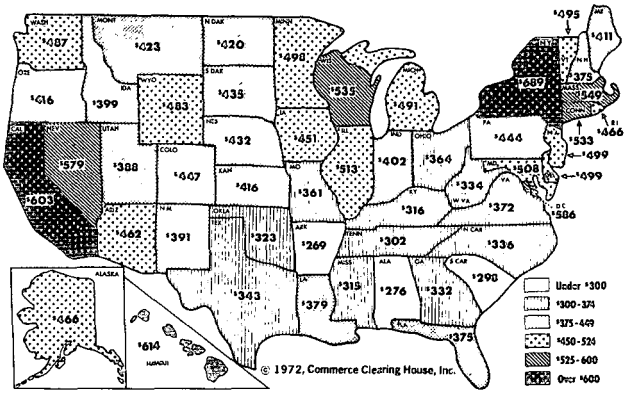
Senior Citizens. To the three bills signed by the Governor last summer—increasing property-tax relief for the elderly with annual incomes under $5,800, implementing the federal Nutrition Program for the Elderly and increasing categorical aid grants by $12 monthly — AB 1206, also by Assemblyman Leo McCarthy, can now be added. It directs the Fair Employment Practices Commission to enforce the law prohibiting age discrimination in hiring.

Also signed was SB 7 (Nejedly), which makes the senior-citizen property-tax exemption applicable to cooperative housing. AB 1885 (Lewis), providing free or low-cost lunches in schools for persons over 60, died in the Senate Health and Welfare Committee. AB 2114 (Maddy), which would have abolished the state Commission on Aging in favor of an advisory Office of Aging, remained on the Senate's inactive file after having passed both houses and going to the Senate Finance Committee.

Legislators' Pay. The Legislators didn't neglect themselves. SB 109, signed by the Governor, increases their salaries by 10 percent, from $19,200 to $21,120, effective December 2nd, 1974. Defeated was a similar bill calling for a 20 percent raise. SB 109 also allows the Governor to pay his staff up to $31,500 a year.

Newsmen's Privilege. The Governor signed AB 1848 (Bagley), which exempts journalists from prosecution for refusing to reveal sources of information contained in news stories to judicial, legislative, or administrative bodies. The bill was inspired by several recent and current cases of reporters — two of them from the *Los Angeles Times* — being jailed for contempt of court for refusing to identify news sources.

Cal Expo. SB 336 (Short), which entitles Cal Expo to use the proceeds from night harness-racing — estimated at $350,000 to $400,000 a year — to spruce up the uncompleted five-year-old exposition grounds was vetoed by the Governor who opposes diverting General Fund revenues in this way.



State and Local Per Capital Tax Burden in Fiscal 1970-71

In 1970-72 California maintained its position of third behind New York and Hawaii in total state and local per capita tax burden, according to data reported by Commerce Clearing House, Inc. The average figure for all 50 states was $460, an increase of $33 over the previous year. The total amount collected by state and local governments rose from $86.8 billion in 1969-70 to $95 billion in 1970-71.

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California Journal/*NEWSBRIEFS*

California will have its own transportation department

California will have its own version of the federal Department of Transportation as of July 1st. The new state department will include the present Department of Public Works, with its huge Division of Highways, and the much smaller Department of Aeronautics. It is expected to improve the state's ability to capture federal transportation funds and to coordinate research and development of mass transportation systems and other "alternate" modes of transportation. Under the legislation authorizing creation of the new department, AB 69 (Deddeh), this department is to develop a "multi-modal" state transportation plan based on regional plans to be submitted to it by local governmental bodies by July 1975. These studies will be subsidized by the state up to 70 percent of their non-federally funded costs.

The new department will be composed of six divisions: Legal Services, Administrative Services, Highways, Aeronautics, Transportation Planning, and Mass Transportation. The existing state Office of Transportation Planning and Research, which is part of the Business and Transportation Agency, will have some of its functions absorbed by the Transportation Planning and Mass Transportation Division. But the office itself will be regrouped as the support staff to the State Transportation Board, which will move out of its advisory relationship to the Business and Transportation Agency and become an independent advisory body to both the executive and the Legislature.

Truckers seek six-month 'triple-trailer' test

State officials have agreed in concept to let trucking firms run the 98-foot long rigs called triple-trailers over selected California freeways in a six-month testing program yet to be devised. Representatives of the truckers, the California Highway Patrol, the Department of Public Works, and its Division of Highways are meeting this month to work out the test program, which is to be drafted by the division. Ultimate approval for carrying it out rests, however, with the Assembly Committee on Transportation.

The trucking industry wants permission eventually to haul the long trailers over interstate roads in California. This is now allowed in Nevada, several midwestern states and Canada, according to Thomas C. Schumacher Jr., managing director of the California Trucking Association. The long rigs were allowed to run through California early last year with a Highway Patrol escort observing their behavior as they rolled along Interstate 80 from Reno to San Francisco, south along Interstate 5 to Los Angeles, and out of the state near Needles.

The new test will focus not only on the performance of the trucks but on the driving skills needed to control them.

20% of UC Students surveyed say they are from minority groups

While 1972 data is several months from ready, University of California officials released results of an ethnic survey of students made in the fall of 1971. It shows that 20 percent of the students surveyed identified themselves as members of minority groups. By contrast, the UC officials noted, a 1968 survey found only 8.7 percent of the responding students identifying themselves as ethnic minorities. (The 1970 population reports for California indicated that ethnic minorities constituted approximately 25 percent of the state's population.)

The UC ethnic-racial breakdown shows 7.9 percent Oriental, 4.7 percent Negro, 4.4 percent Mexican or Spanish-American 0.6 percent American Indian, and 2.3 percent "other minority". Of the nine UC campuses, the Medical Center in San Francisco had the highest percentage of minority students in the 1971 survey (30.2 percent), followed by Berkeley (27 percent), and UCLA (23.9 percent). The campuses with the least minority-group enrollment were Santa Barbara (11.4 percent), Davis (14.6 percent), and Irvine (15.2 percent).

State seeks to cut Its Squaw Valley losses

The Public Works Board was given authority by the Legislature last month to end its lease with the Squaw Valley Improvement Corporation covering the Blythe Skating Arena and the Olympic Village Hotel. Though the private corporation has operated these revenue-producing facilities, the state has been losing $250,000 a year in maintaining them, supervising parking, and providing fire protection and utilities.

Reportedly, the present leasing arrangement, which has been in effect since the facilities were built for the 1960 Winter Olympics and had 16 more years to run, has cost the state more than $3 million. Now, the state will be free in a year to make new arrangements, either to rent the facilities at better terms or to sell them outright. In return for agreeing to cancellation of the lease, the private corporation was given an option to buy 481 acres of surplus state land at the old Stockton State Hospital site for $1.4 million, with an option to buy another 58 adjacent acres.

Boise Cascade settles recreation lots dispute for $58.5 million

Boise Cascade Corporation has agreed to a $58.5 million settlement with dissatisfied purchasers of second-home subdivision lots in its recreational land developments in California. According to Attorney General Evelle J. Younger, who announced the settlement December 18th in San Francisco, Boise Cascade has agreed to refund up to $24 million to disgruntled lot-owners, spend $21.5 million to administer and maintain its recreational subdivisions, and devote another $13 million to carry out promised improvements. Involved are an estimated 40,000 persons who bought Boise Cascade lots at Incline Village on the north end of Lake Tahoe and at 19 other locations in the state. Their complaints detailing alleged false and misleading sales practices are contained in two federal lawsuits, three private class-actions in state court, and in a sixth

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suit filed jointly by the state and Contra Costa County.

George McCown, a Boise Cascade vice president and general manager of its realty group, said the settlement does not represent an admission of wrong-doing. "This settlement," McCown maintained, "will avoid lengthy and costly litigation, and will provide to Boise Cascade and property-owners alike a fair and speedy way of settling outstanding land sales claims." To Younger, however, the settlement represents a warning to other land developers. "I think this will indicate that we really mean business," he told reporters. "A lot of developers had better start sharpening their pencils."

PG&E wins $60.8 million in two gas-rate boosts

The California Public Utilities Commission granted Pacific Gas & Electric Company two increases last month in its natural gas rates. The first increase came December 6th, and amounted to $12.6 million. It was said to be justified by the higher prices that the utility must pay its natural gas suppliers. Two weeks later, on the 19th, PG&E won a $48.2 million annual increase on the basis of increases in the utility's operating costs. (The company had requested a $68.7 million increase, which the PUC termed "excessive".)

The most controversial part of the award appears to be the PUC's approval of PG&E's use of a part of the increase to finance exploration work for new natural gas deposits, a move made necessary by a shortage of natural gas, according to a PG&E spokesman. In a dissent to the commission's decision, Commissioner D. W. Holmes wrote, "There is no more speculative investment than one in oil and gas exploration. It should be on a purely voluntary basis. Here, the company is being allowed to require its rate-payers to make an involuntary investment in a speculative undertaking."

Los Angeles firm will design new Governor's residence

The Los Angeles architectural firm of Buff and Hensman was picked by the state last month to design a $1.3 million residence for the Governor on a bluff overlooking the American River east of Sacramento. Outgoing state Architect Fred Hummel, who announced the award, said the firm was chosen from a field of eight finalists drawn from 70 original bidders. No fee has been set for the design job, Hummel said.

The design will be based on a preliminary plan submitted earlier by architect William Stephenson, who designed Governor Reagan's private home in Pacific Palisades. Stephenson's plan calls for a building that "should reflect the rich and colorful heritage of the state as well as an inspiration for the future". It will have two floors and a basement, five bedrooms for the Governor's family, two guest rooms, a five-car garage, a gymnasium, a 24-by-48 foot swimming pool, a tennis court, a sauna bath, and a movie theater. Stephenson's plan also calls for a 15-by-20 foot wine-storage room which, he notes, "may be used as a fallout shelter and for emergency communications".

Hummel estimated that the mansion could be ready by 1975.

Sacramento State Offers Government-Related Courses

As a service to our Sacramento area readers, listed below are extension courses in government-related subjects to be offered during the spring semester by Sacramento State University. Call the Extension Office at 454-6196 for the room number of classes scheduled for the campus.

Screening Course for Masters in Public Administration X196

Edward Horton, associate professor, California State University at Sacramento. The emphasis of this course will be on a broad understanding of public administration with the concept of bureaucracy as a central focus. In order for the student to demonstrate his ability to perform graduate work, each individual will be required to develop and present a course project. The purpose of the course is twofold. First, to demonstrate ability to achieve in graduate work, and secondly, to gain some basic understanding of the field of public administration.

Sacramento: CSUS; Tuesday, 7-10 p.m.; February 13-May 29; 15 meetings; $72. Three semester units of credit.

Pressure Groups in the U.S. and California X196

Gary L. Wilhelm, associate professor, California State University at Sacramento. An examination and analysis of pressure groups in the United States and California; their nature, role, organization, and operation; their techniques and influence in public policy-making and the political process. Representative groups will be studied. Guest speakers from California's pressure groups will appear before the class.

Sacramento: CSUS; Wednesday, 7-10 p.m.; February 14-May 30; 15 meetings; $72. Three semester units of credit.

Legislative Process: California X155

Thomas R. Hoeber and Jerome Evans, editors of *California Journal*. A study of the structure and functions of the California State Legislature with comparisons to Congress and other state legislatures. The legislative process will be viewed broadly, including such participants as the executive branch, the courts, lobbyists, and the press. Students will follow and report on specific legislative issues. Guest speakers and contemporary readings will emphasize the relevance of the course to current events.

Sacramento: CSUS; Tuesday, 7-10 p.m.; February 13-May 29; 15 meetings; $72. Three semester units of credit.

Management of Human Resources X153

Dr. Arthur W. Sherman, professor, California State University at Sacramento. A seminar covering contemporary processes and practices pertaining to the organization and management of personnel, including employee selection, development, motivation, evaluation and renumeration, and union relations. Emphasis on the management of human resources in task-oriented organizations. Instructional method provides for case studies, laboratory exercises and small group discussions.

Sacramento: Room 118, Education Building, 721 Capitol Mall Wednesday, 5-8 p.m.; February 14-May 30; 15 meetings; $72. Three semester units of credit.

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Recent Supreme Court Decisions

Magistrate's Decision Upheld

One of the roles of a municipal court magistrate is to decide whether or not probable cause exists to hold an accused person for trial. And ordinarily the prosecution may seek a grand jury indictment even if the municipal court dismisses the charges. In a recent case in Los Angeles County, however, a magistrate went beyond this usual role and ruled, in a preliminary hearing in which a man was charged with an illegal sale of marijuana to police officers, that the defendant had been illegally entrapped into committing the crime. Acting accordingly, the magistrate dismissed the charges.

The case came to the Supreme Court because the prosecution subsequently sought and obtained a grand jury indictment charging the defendent with the same offense. He was tried and convicted, but the trial court later dismissed the charges based upon the prior dismissal by the magistrate, and the prosecution appealed.

In a unanimous decision written by Justice Louis H. Burke and announced on November 30th, the Supreme Court ordered dismissal of the charges against the defendant, a step it said was necessary to protect an accused person from unjustifiable harassment through repeated prosecution for the same offense.

Cruel or Unusual Test Extended

Eleven months ago, the California Supreme Court applied the state constitutional provision forbidding cruel or unusual punishment of convicted criminals to the death penalty and found that penalty to be unconstitutional. (In November, a majority of the voters restored the death penalty in the case of certain crimes for which it is a mandatory sentence.) In December, the court carried its ruling one step further, applying it to the length of a criminal sentence. In a 6-1 decision written by Justice Stanley Mosk and announced on December 4th, the court held that a statutory sentence of one year to life for a second conviction for indecent exposure was unconstitutional because the maximum punishment, life imprisonment, was grossly disproportionate to the crime.

In 1958, John Lynch was convicted of indecent exposure, a misdemeanor for which he received a sentence of two years on probation. In 1967, he was convicted a second time for the same offense and sentenced to an indeterminate term of one year to life. By the time Lynch's habeas corpus petition got to the Supreme Court, he had already spent more than five years in prison, including three and one-half at Folsom, and the Adult Authority had four times failed to fix a parole date and had not set his sentence at anything less than the maximum.

"The fault does not lie in the theory of the indeterminate sentence law," wrote Mosk for the majority, "but in the unreasonably high maximum term prescribed for this offense." Noting that it is the function of the Legislature to define crimes and prescribe punishment. Mosk went on to say that it is the "difficult but imperative task of the judicial branch, as co-equal guardian of the Constitution, to condemn any violation of that prohibition [against cruel or unusual punishment]. Viewed realistically," said Mosk, a convicted person is liable to serve the maximum term of an indeterminate sentence, life imprisonment in the case at hand. Yet the U.S. Supreme Court ruled back in 1910 that the penalty for a crime must be proportionate to the offense. Such a sentence for such a crime clearly is not, wrote Mosk, and therefore the court was called upon to decide whether "it is so disproportionate to the crime for which it is inflicted that it shocks the conscience and offends fundamental notions of human dignity."

To make this determination, the court advanced three general criteria: (1) the seriousness of the offense and the resulting danger to society; (2) a comparison of the challenged punishment with punishment for more serious crimes in the same jurisdiction; and (3) a comparison of the punishment prescribed for the same offense in other jurisdictions. Analyzing the offense at issue, the court found that it had long been treated as a simple misdemeanor and that the sentences for far more serious crimes — manslaughter, kidnapping, statutory rape — were shorter, even on second offense in most cases, than the maximum sentence applied in this case.

The court therefore ruled that Lynch's sentence did constitute cruel and unusual punishment, noted the time he had already served, and ordered him freed. Justice Marshall F. McComb dissented without opinion.

Due Process Rights

In June, the U.S. Supreme Court, in a decision (*Morrisey v. Brewer*) written by Chief Justice Warren E. Burger, ruled that an accused parole violator must be given an informal preliminary hearing to determine if the grounds for revocation of parole justify detention until a formal hearing is held. And at the formal hearing, said the court, the accused must have an opportunity to examine the evidence against him, present witnesses and cross-examine opposing witnesses, and receive the findings, in writing, of the hearing officer or board.

On December 14th, the California Supreme Court, ruling unanimously on three cases in a decision written by Chief Justice Donald R. Wright, said that many of the same rights must also be guaranteed to persons accused of violating their probation terms and to prison inmates whose grants of parole are rescinded prior to their release. In the case of probationers, the court noted that state law already provides for some due-process requirements but fails to meet all the requirements of the federal court decision. In addition, the California court ruled that probationers must be provided with counsel at revocation hearings. Only if a probationer absconds and is unavailable to authorities may his probation be terminated without a hearing, said the court. A hearing must also be accorded a prison inmate before an order granting parole may be rescinded — but not if the Adult Authority is fixing the term or considering parole, except that the prisoner must have an opportunity to see and respond to any relevant information concerning him provided by police, the courts, or others as long as it will not expose an informant to unreasonable risk.

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The state court's ruling applies to revocation and rescission proceedings held after June 29, 1972.

Trial Judge Qualifications

A trial judge is not necessarily disqualified from hearing a criminal case because of having been a district attorney within the past two years in the county where the case is tried. This was the unanimous decision of the court in a decision written by Justice Burke and announced on December 20th.

The case in question involved Michael Thomas, who, when convicted of joy-riding, appealed on the ground that the trial judge had not been qualified to hear his case because he had been an assistant district attorney in Los Angeles County, where the case was tried, within the two preceding years. State law bars a judge who has been an "attorney or counsel for any party" within two years prior to the commencement of the proceeding from hearing the case.

The purpose of the law, said the court, is to reinforce the impartiality of the judge and insure public confidence in the judiciary. In the case at hand, however, the court found that the judge could not have known of the crime while an assistant district attorney since the crime was not committed until more than a year after he was appointed to the court. It would be unreasonable in any case, the court went on to say, to assume that his prior representation of such an "artificial and generalized party as the 'People' would result in a conscious or unconscious bias on his part for two years in all criminal cases in that county". The court said it would be similarly unreasonable to disqualify a judge who had been a public defender in the county from hearing all criminal cases for two years.

UFWOC Picketing Upheld

Ruling on nine cases consolidated into one, the court announced on December 29th that Cesar Chavez' United Farm Workers Organizing Committee cannot be enjoined from picketing growers having labor contracts with the Teamsters Union covering field workers. The injunction was sought by growers who had entered into a five-year union shop agreement with the Teamsters Union and charged that UFWOC picketing amounted to an unfair labor practice that should be halted by injunction under the state's Jurisdictional Strike Act.

In rejecting the injunction, the court held that if an employer wants to use the injunctive power provided by the Jurisdictional Strike Act, he "must maintain a strict neutrality between competing unions, and . . . he can resort to the Act after recognizing one union as the exclusive bargaining agent of his employees only if, at the time of recognition, he entertained a reasonable good-faith belief that such union was in fact the desired representative of his employees." In the cases before the court, it found that the growers had made no attempt to determine whether their employees wanted to be represented by the Teamsters Union at the time the agreements were signed.

The decision was written "By the Court" and approved 6-1, with Justice McComb dissenting.

CALIFORNIA CALENDAR

Meetings of the following state boards, commissions, and councils are listed each month; if one of these is not listed, it can be assumed that it is not scheduled to meet this month. Boards, commissions, and councils to be included are: Board of Education; Board of Equalization; Board of Governors of the California Community Colleges; Board of Trustees of the California State University and Colleges; Consumer Advisory Council; Coordinating Council for Higher Education; Council on Criminal Justice; Highway Commission; Little Hoover Commission; Park and Recreation Commission; Regents of the University of California; and Social Welfare Board.

Jan. 16-18	**Board of Equalization.** Board Headquarters, 1020 N Street, Sacramento. 2 p.m.
Jan. 17	**Little Hoover Commission.** Room 6028, State Capitol, Sacramento. 9:30 a.m. **Senate Select Committee on Penal Institutions.** Room 2040, State Capitol, Sacramento. 9 a.m. Hearing on California's parole system.
Jan. 19	**Regents of the University of California.** Los Angeles Convention Center, 1201 S. Figueroa, Los Angeles.
Jan. 19-20	**Law Revision Commission.** Board Conference Room, International Airport, Los Angeles. 9:30 a.m.
Jan. 23-24	**Board of Trustees of the California State University and Colleges.** Third Floor Auditorium, Office of the Chancellor, 5670 Wilshire Blvd., Los Angeles.
Jan. 30	**Special Election.** To fill the 22nd state Senatorial District seat held by the late Senator Tom Carrell. Runoff, if necessary, on Feb. 27th.
Jan. 25-26	**Social Welfare Board.** Sacramento. Time and place undecided.
Feb. 2	**Council on Criminal Justice.** Sheraton Inn, Airport, San Diego. 9:30 a.m.
Feb. 6-8	**Board of Equalization.** Board Headquarters, 1020 N Street, Sacramento. 2 p.m.
Feb. 8-10	**Law Revision Commission.** San Francisco. Time and place undecided.
Feb. 9-10	**Commission on the Status of Women.** Room 1138, State Building, 107 S. Broadway, Los Angeles. 9 a.m.

The following boards and commissions follow a standard monthly schedule and thus are not included in the Calendar: Allocation Board, second Tuesday of each month; Board of Agriculture, first Thursday; Commission of Housing and Community Development, third Wednesday of every other month; Lands Commission, last Thursday of each month; Merit Award Board, second Wednesday; Public Works Board, last Monday; Reclamation Board, second and fourth Fridays; San Francisco Bay Conservation and Development Commission, first and third Thursdays; Soil Conservation Commission, fourth Tuesday; Transportation Board, first Thursday; Water Commission, first Friday; and Water Resources Control Board, first and third Thursdays. Please contact the agency for meeting time and place.

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PEOPLE IN THE NEWS

Raymond Elmer Peters, 69, Associate Justice of the state Supreme Court died January 2nd at his home in Berkeley. Appointed to the Supreme Court in March 1959 by former Governor Brown, Peters planned to retire in April when he would have turned 70. Prior to his appointment, Peters served 20 years on the Court of Appeal. He was considered to be the Supreme Court's most liberal member.

Assemblyman Carley V. Porter died on December 6th at the age of 66, the third state legislator to die in two months. Porter, a 23½-year veteran of the California Legislature, suffered an apparent heart attack while attending a convention of the Retired Teachers' Association in Washington, D.C. A Democrat representing the 38th Assembly District, Porter was the principal author of the Porter-Burns Water Act, approved in 1962, and the Porter-Cologne Water Quality Control Act of 1969.

Lyn Nofziger has been appointed to direct Lieutenant Governor Ed Reinecke's campaign for the 1974 Republican gubernatorial nomination. A former press aide in both the Reagan and Nixon administrations, Nofziger headed President Nixon's re-election campaign in California last fall. Nofziger was also considered one of the key men in Reagan's second successful gubernatorial campaign.

Fred E. Hummel, 45, state architect since 1968, resigned last month to rejoin the private architectural firm of Dreyfuss and Blackford of Sacramento. During his term as chief of the state Office of Architecture and Construction, Hummel's staff was reduced from nearly 1,000 to the present 220, as a result of sharply reduced capital outlay budgets and increasing use of private architects for state college construction. Said Governor Reagan when he accepted Hummel's resignation, "Hummel helped place nearly all of those architects leaving state service in jobs with private firms. The office now functions by the same principles that private architects employ and is supported by fees charged to clients."

On December 13th, Governor Reagan announced the appointment of **Earl W. Brian,** 30, as a member of the Western Interstate Commission for Higher Education. Brian's appointment, subject to Senate confirmation, will be in addition to his present positions as secretary of the state Health and Welfare Agency and associate clinical professor of the U.C. Davis Medical School. The Western Interstate Commission on Higher Education, which originally was formed to help students from other western states to utilize out-of-state medical education facilities, now also encompasses such areas as penology, social welfare, and public health.

Richard G. Burau, an associate professor in the Department of Soils and Plant Nutrition at the University of California, Davis, is the new chairman of the Monterey Basin Pilot Monitoring Project. The project was established in 1971 to study the problem of monitoring environmentally harmful material, and to develop techniques for studying the source, movement, and fate of these materials in the environment. Now in its final stages, the project is conducted jointly by the state Resources Agency, the Agriculture and Services Agency, and the Health and Welfare Agency.

On January 1st **Richard E. Felty,** 41, a state park ranger, replaced **Robert M. Baker** as assistant deputy director of the state Department of Parks and Recreation. Baker was recently appointed regional director, in Atlanta, of the Bureau of Outdoor Recreation of the U.S. Department of the Interior. Felty, who will head the southern California office of the Department of Parks and Recreation, has served with the department since February 1960.

The Senate Public Utilities and Corporations Committee has appointed a three-man panel of experts to study the automatic control system (ATC) of Bay Area Rapid Transit trains. The panelists, **William Morrison Brobeck,** 64, **Clarence Anding Lovell,** 74, and **Bernard More Oliver,** 56, will review the system in order to determine whether its safety elements are adequate to insure train protection and collision avoidance. Said the Senate committee's chairman, Senator Alfred Alquist, "The creation of this panel of experts became absolutely essential after listening to conflicting testimony concerning the safety aspects of the ATC system."

Several members of the state Assembly staff are starting out the 1973-74 legislative session in new positions, most of them still within the Assembly. **John Fitz-Randolph,** 37, assistant to Assembly Speaker Bob Moretti, has moved from the Capitol to the Speaker's office in Los Angeles to undertake early organization efforts for Moretti's planned gubernatorial bid in 1974. Another assistant to the Speaker, **William Hauck,** 32, left to direct the Assembly Office of Research, replacing **James A. Lane,** 36, who accepted a position with Kaiser Industries in Oakland. Succeeding Hauck as an assistant to the Speaker is **Victor Fazio,** 30, who since 1971 has served as chief of the Assembly Democratic Consultants. **Ethan Wagner,** 31, who was Fazio's assistant, has also been named assistant to the Speaker. **John Billett,** 34, a member of the Democratic Consultants, replaces Fazio as chief.

On December 28th, **Ronald Kurtz** was named deputy director for operations in the state Department of Health Care Services, which administers the Medi-Cal program. Kurtz, who for the past two years served as assistant director for management planning in the Department of Public Works, replaces **John W. Hagerty,** recently appointed to the Office of Health Planning.

Charles P. Tyson II, 31, resigned last month after serving on the Governor's staff since 1967. Tyson joined the Reagan gubernatorial campaign in 1966, and has since served as assistant to the cabinet secretary, assistant to the Governor's executive secretary, and staff assistant to the Governor. He will become vice president of the Hobart Development Corporation of San Diego.

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Selected State Government Reports

EDUCATION

The Campus and the City: Maximizing Assets and Reducing Liabilities; a report and recommendations by the Carnegie Commission on Higher Education, published by McGraw-Hill Book Company, Novato 94947. ($3.95) December 1972. 205 p. Issues and opportunities in higher education resulting from the urban setting are considered.

Alternative Forms of Higher Education for California; prepared by Warren Bryan Martin for the Joint Committee on the Master Plan for Higher Education, California Legislature, State Capitol, Sacramento 95814. December 1972. 123 p. Recommends a halt in growth of the state's two systems of four-year public higher education and establishment of a non-traditional college run by nonacademic professionals.

ENVIRONMENT

Expanding the Environmental Responsibility of Local Government; edited by Eleanor Cohen, published by Center for California Public Affairs, 226 W. Foothill Blvd., Claremont 91711. ($4.50) September 1972. 172 p. A report of Claremont's Environmental Resources Task Force and its recommendations.

Inventory of Waste Water Production and Waste Water Reclamation Practices in California 1970-1971; by the Resources Agency, Department of Water Resources. November 1972. ($1.50 plus tax) 35 p. Bulletin no. 68-71. Available from State of California, Department of Water Resources, P.O. Box 388, Sacramento 95804.

California Ecology Corps Annual Report, July 1971-June 1972; prepared by the Resources Agency, Department of Conservation, 1416 Ninth Street, Sacramento 95814. November 1972. 15 p.

Resource Management Plan and General Development Plan for San Onofre State Beach; prepared by the Department of Parks and Recreation, 1416 Ninth Street Sacramento 95814. September 1972. 16 p.

Resource Management Plan and General Development Plan for Doheny State Beach; prepared by the Design and Construction Branch of the Department of Parks and Recreation, 1416 Ninth Street, Sacramento 95814. 12 p.

Resource Management Plan and General Development Plan for San Gregorio State Beach; prepared by the Design and Construction Branch of the Department of Parks and Recreation. 1416 Ninth Street, Sacramento 95814. 24 p.

LEGISLATURE

Your Voice in Sacramento, A Guide to Citizen Participation in the California Legislative Process; prepared by Mary Jane Maier, published by the California State Division, American Association of University Women, 2995 E. Buckingham Way, Fresno 93726. ($1.00) 1972. 29 p.

Legislative Summary 1972 Session; compiled by the state Senate Majority Caucus staff, State Capitol, Sacramento 95814. December 19, 1972. 43 p. A summary of the legislation, by major subject area, that was passed, failed, or killed by veto in 1972.

Meeting the Costs of Health Care: The Bay Area Experience and the National Issues; by Margaret Greenfield, published by the Institute of Governmental Studies, University of California, Berkeley 94720. ($4.50) 1972. 182 p.

Hearings and Reports of Committees of the California Legislature During the 1970-1971 Interim: A Summary and Listing; by the Assembly Office of Research, Library & Courts Building, Sacramento 95814. October 1972. 119 p.

Legislators' Retirement System — Twenty-Fourth Annual Financial Report and Report of Operations for the Fiscal Year Ended June 30, 1972; by the Board of Administration, Public Employees' Retirement System, P.O. Box 1953, Sacramento 95809.

PERSONNEL

Personnel Program Annual Report — University of California; by the University of California, Office of the President, University Hall, Berkeley 94720. 20 p. Fifth annual report, submitted to the Governor and the Legislature in December 1972.

State Personnel Board 1972 Annual Report; by the State Personnel Board, 801 Capitol Mall, Sacramento 95814. December 1972. 21 p.

PUBLIC FINANCE

Report on Tax Expenditures, Pursuant to Chapter 1762, 1971 Legislative Session; prepared by the Department of Finance, available from the Assembly Committee on Welfare, Room 2188, State Capitol, Sacramento 95814. December 1972. A report of all exemptions, exclusions, deductions, preferential rates and credits under the California tax structure, including the cost of such provisions in uncollected taxes and the official reason for their adoption.

MISCELLANEOUS

Report of Registration, State of California; by Edmund G. Brown Jr., Secretary of State, State Capitol, Sacramento 95814. October 1972. 106 p. Reflects final voter registration for the November 7, 1972, General Election.

Report Concerning Earthquake-Resistant Design Advances for State Highway and Bridge Construction; by the Business and Transportation Agency, Department of Public Works, 1120 N Street, Sacramento 95814. October 1972. 9 p.

Investigation of the Operations of the Bay Area Rapid Transit District, With Particular Reference to Safety and Contract Administration; prepared by the Legislative Analyst, State Capitol, Sacramento 95814. November 9th, 1972. 106 p. Cites administrative deficiencies and makes recommendations.

Department of Social Welfare Review of Child Care Efforts Under SB 796 (Ch. 578, Stats. 1971) — October 1, 1971, Through October 31, 1971; prepared by the Joint Legislative Audit Committee, Room 4126, State Capitol, Sacramento 95814. November 1972. 24 p. Report concludes that counties are not implementing the expanded child care operations program provided under the Welfare Reform Act of 1971. (SB 796).

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VOTING RECORDS

Listed below are the votes of Senators and Assemblymen on the major roll calls in the Legislature through this month and a brief summary of the issues under consideration. Votes selected for inclusion are on issues of major importance to Californians as a whole or issues on which there is a major division of opinion, or both.

Y—Yes *—Absent or Not
N—No Voting

⅔ vote required for urgency measures, constitutional amendments, appropriation bills.

Assembly: 41 votes required for passage of bills requiring majority vote. ⅔ = 54 votes.

Senate: 21 votes required for passage of bills requiring majority vote. ⅔ = 27 votes.

SENATE

November 26th to 29th

AB 791 (Ralph) — Authorizes Fair Employment Practices Commission to initiate complaints instead of only investigating complaints filed with commission. Passed 21-9.

SB 1508 (Walsh) — Provides that the 1970 Environmental Quality Act shall not apply to private projects until June 1, 1973, notwithstanding the state Supreme Court **Mammoth** decision which requires local governments to file environmental impact reports before approving building permits. Passed 27-9.

AB 1274 (Burton) — Directs the state to reimburse private employers for 50 percent of costs of salaries for Vietnam veterans for 18 months. Passed 31-4.

SB 107 (Behr) — Establishes system of California Wild and Scenic Rivers, consisting of Klamath, Trinity, Eel, Smith, and American River systems. Prohibits construction of dams, reservoirs, or other water impoundment structures on such rivers. Senate concurs in Assembly amendments, 25-12.

SB 1264 (Moscone) — Requires school districts to provide at least one meal a day to undernourished pupils. Passed 23-12.

AB 5 (Murphy) — Establishes the office of Ombudsman for Corrections to receive and process complaints and conduct investigations of penal conditions and institutions. Passed 22-13.

SB 990 (Roberti) — Limits campaign expenditures for television, radio, newspaper and billboard advertising to 10 cents per person of voting age, and limits amount of candidate's personal funds that may be expended for campaign purposes. Passed 21-17.

SB 1368 (Stevens) — Creates the Ventura-Los Angeles Mountain and Coastal Conservation and Development Commission to prepare comprehensive and enforceable plan for the preservation of the Ventura-L.A. coastal zone. Failed 21-15 (⅔ majority required).

November 30th to December 1st

AB 1848 (Bagley) — Provides that a journalist cannot be held in contempt by judicial, legislative, or administrative body for refusal to disclose sources of information. Passed 23-9.

AB 1547 (Sieroty) — Would enable disabled persons to obtain injunctions against the construction of public or private facilities not providing access for physically handicapped persons. Failed 9-18.

AB 1013 (Ralph) — Includes cash tips and gratuities received by employee from persons other than employer as wages for purposes of determining unemployment benefits if $20 or more per month. Passed 22-14.

AB 1100 (Dunlap) — Would permit counties of four million or more inhabitants to stop the closing of any street or highway because of construction of a state highway, provided contract has not been awarded. Failed 13-16.

AB 758 (Brown) — Changes limitation of basic services under the Medi-Cal program from two medical visits per month to 24 per year; changes limit of two drug prescriptions per month to 24 per year; establishes a Medi-Cal Appeals Committee to review denials of prior authorization for medical services and denials of claims. Passed 21-13.

AB 609 (Moretti) — Provides for the appointment of four public members to the State Lands Commission and requires any commission action to have the approval of five members. Passed 21-12.

AB 1687 (Miller) — Authorizes cities and counties to adopt health and safety ordinances not in conflict with state law establishing rights and duties of landlords and tenants, and to prescribe by ordinance procedures and remedies for the enforcement of state housing laws and regulations. Passed 21-15.

SCA 27 (Nejedly) — Proposed constitutional amendment to repeal requirement of ⅔ vote of Legislature to increase taxes on banks, corporations, insurance companies. Requires any tax levy be passed by a majority vote. Failed 17-21.

AB 2167 (Burton/Brown) — Specifies that minor who is in the custody of a peace officer has the right to have parent or guardian present during any interrogation. Failed 20-19.

AB 1778 (Sieroty) — Makes possession of marijuana punishable by imprisonment in a county jail for not more than six months or by a fine of not more than $500, or both, rather than by imprisonment in the county jail for not more than one year or state prison for not less than one year nor more than ten years. Passed 21-18.

AB 366 (Hayes) — Permits environmental suits for the protection of natural resources and to prevent or stop pollution or the destruction of the environment. Failed 11-21.

AB 1198 (Briggs) — Makes it unlawful for restaurants to serve hamburger or imitation hamburger without listing ingredients on menu, and requires restaurants to indicate on menu whether hamburger or imitation hamburger is served. Passed 22-9.

AB 889 (Knox) — Imposes 120-day moratorium on effect of state Supreme Court **Mammoth** decision requiring environmental impact reports on private as well as public projects. Excludes certain projects from application of 1970 Environmental Quality Act. Passed 32-6.

AB 1744 (Brathwaite) — Requires federally assisted housing for persons with low or moderate incomes to be assessed for purposes of property taxation by the capitalization-of-income method. Passed 22-9.

SB 1419 (Roberti) — Grants prisoners in state prisons expanded right

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to personal correspondence without censorship. Passed 21-12.

AB 2124 (Vasconcellos) — Authorizes school districts to initiate any program, activity, or action not in conflict with state law or the purposes for which school districts were established. (Codifies Proposition 5 on November ballot, approved by voters.) Passed 23-11.

AB 1112 (Waxman) — Removes residency requirement from voter registration affidavit and permits persons to register to vote upon reaching age 17. Failed 17-16.

AB 1724 (McCarthy) — Would allow income tax credit of $125 maximum for costs of educating children in private schools, grades K through 12. Passed 23-7.

AB 488 (Dunlap) — Provides for the establishment of alternative schools to enable teachers, parents, and students to participate in the development of the learning process. Requires teachers and pupils to be selected from volunteers. Passed 24-11.

AB 2014 (Arnett) — Establishes the California Educational Facilities Authority to administer up to $150 million in bonds for construction of educational facilities for private universities and colleges. Passed 24-11.

AB 1182 (Brown) — Establishes the State Personnel Board as the personnel board for non-instructional employees of California State University and Colleges and requires it to administer a merit system for such employees. Passed 22-9.

SB 1493 (Song) — Fenton-Song no-fault automobile insurance proposal. Would provide for payment, without regard to fault or personal injury protection benefits up to $5,000 per person per accident. Vote on motion to approve amendment of Assembly version of proposal into Senate bill to bring the measure up for a vote, failed 14-18.

AB 2388 (Fenton) — Would subject employer to criminal penalties if he causes the death of an employee through gross negligence or failure to provide safe working conditions. Motion to table failed 9-18.

SB 109 (Song) Increases legislators' salaries from $19,200 to $21,120, effective 12/2/74. Senate concurs in Assembly amendments, 27-10.

SENATE

Republicans 19	AB 791 SB 1508 AB 1274 SB 107 SB 1264	AB 5 SB 990 SB 1368 AB 1848 AB 1547	AB 1013 AB 1100 AB 758 AB 609 AB 1687	SCA 27 AB 2167 AB 1778 AB 366 AB 1198	AB 889 AB 1744 SB 1419 AB 2124 AB 1112	AB 1724 AB 488 AB 2014 AB 1182 SB 1493	AB 2388 SB 109
Behr	Y*YYY	YYYYN	YNYYY	NNYYY	YYYNN	YYNYN	NN
Biddle	NYYNN	YNNY*	NNNNN	NNNNN	NNNYN	YNYYN	YN
Bradley	NYNYN	NNNNN	NNNNN	YNNNN	NNNNN	YNNNN	YY
Burgener	YYYNN	NNYNY	N****	YNN**	YY*Y*	YN***	*Y
Carpenter	NYNYN	NNN*N	NN*NN	YNNNN	YNNYN	YYYNN	YY
Coombs	*YYNN	**N*N	NNYNN	YNNNN	YYNNN	*NYNN	YY
Cusanovich	YYY**	NNN*N	N****	NNY*N	Y*NY*	Y****	*Y
Deukmejian	NYYYY	NYY*N	*NNYN	YNNNY	YN**N	YYYN*	NY
Grunsky	YYYYY	YNYN*	Y*YYN	YNYN*	YNNYN	YYY*N	YY
Harmer	NYNYN	NNYN*	NNNNN	YNNNY	N*NYN	*NY*Y	YN
Lagomarsino	YYYYN	YNYYN	NNN*N	YNNNN	YYNYN	YYYNY	Y*
Marks	Y*YYY	YYYY*	YYYYY	NYYYY	YYYY*	YYYYY	NY
Marler	YYNYN	NNYY*	NNNNN	YNNNN	Y*Y*N	NNYNN	*N
Nejedly	Y*YYY	YYYY*	YYNYN	YNNNY	YYYN*	YYNN*	NN
Richardson	NY*N*	NNNNN	N*N*N	YNNNN	YNNNN	YNYNN	YN
Schrade	NYYNN	NNNNN	NNNNN	NNNNN	YNNNN	YYY*Y	NY
Stevens	N*YYN	YYYYN	N*YNY	NNYNY	YNNYN	YNYYY	*Y
Way	*YYNN	YN**Y	NNNYN	NNNNY	YYYYN	YNYYN	YN
Whetmore	NYYYN	NNNYN	NNNNN	YNNNY	YYNNN	YYYYY	*Y

Democrats 20	AB 791 SB 1508 AB 1274 SB 107 SB 1264	AB 5 SB 990 SB 1368 AB 1848 AB 1547	AB 1013 AB 1100 AB 758 AB 609 AB 1687	SCA 27 AB 2167 AB 1778 AB 366 AB 1198	AB 889 AB 1744 SB 1419 AB 2124 AB 1112	AB 1724 AB 488 AB 2014 AB 1182 SB 1493	AB 2388 SB 109
Alquist	Y*YYY	YYYYY	YYYYY	NYYN*	Y**YY	YYYYN	NY
Beilenson	**YYY	YYYYY	YYYYY	NYYYY	NYYYY	NYNY*	NY
Collier	YYYNY	NNNNN	YNNYY	NYYN*	N**NY	*****	*Y
Dills	YYYNY	YNNY*	YNYNY	NYY**	YYYNY	NYNYY	NY
Dymally	YYYYY	YYNY*	YYYYY	NYY**	YYYYY	YYNYN	NY
Gregorio	Y*YYY	YYYYY	YYYYY	NYYYY	YYYYY	YYYYY	NN
Holmdahl	YYYYY	*YYYN	YNYYY	YYNYY	YNYNN	YNYYN	NN
Kennick	*YYNY	YYYYN	Y*YYY	NYYYY	YYYYY	YYYYY	NY
Mills	Y*YY*	YYYYN	YYYYY	NYYYY	YYYYY	*YYYN	*Y
Moscone	Y*YYY	YYYY*	YYYYY	NYYYY	YYYYY	YYYYN	NY
Petris	Y*YYY	YYYYY	YYYYY	NYYYY	YYYYY	YYNYN	NY
Roberti	***YY	YYYNY	YYYYY	NYYY*	NYYYY	YYYY*	NY
Rodda	YYYYY	YYYYY	YYYYY	NYYYY	YYYNY	NYYYN	NY
Short	YYY*Y	*YN**	****Y	YYY**	*****	**YY*	**
Song	YYYYY	YYNY*	***YY	YYYNY	YYYYY	YYNYY	NY
Stiern	***YY	YY*Y*	YYYNN	*YN*Y	YYYY*	NNNNN	*N
Teale	*YYNY	NYYYN	YNYNY	YYY*Y	YYYYY	NYNYN	*Y
Walsh	*Y*N*	*NN*N	Y*NY*	NYNNY	Y*Y*Y	****Y	*Y
Wedworth	YYYNY	NN*NN	Y*Y*Y	YNNNY	Y***Y	YYN*Y	*Y
Zenovich	*YYYY	YYNYY	YYYYY	NYYNY	YYYYY	NYYYY	NY

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ASSEMBLY

November 26th to 29th

SB 4 (Collier) — Establishes protected waterways system consisting of the Smith, Trinity, Klamath, Salmon, Shasta, Eel, and Scott rivers. Prohibits the construction of any dam on the Eel River for 12 years. Passed 61-1.

SB 1118 (Gregorio) — Repeals Subdivision Map Act and provides for comprehensive revision of procedures for the approval of subdivisions. Failed 31-35.

SB 840 (Moscone) — Requires voter registration to remain in progress at all times except during the 29 days preceding an election; permits counting of absentee ballots if returned to any county precinct board prior to close of polls; changes deadline for turning in absentee ballots from 5 p.m. on day before election to close of polls election day. Passed 42-31.

November 30th to December 1st

SB 1358 (Beilenson) — Prohibits hospitals performing sterilization operations from requiring individuals to meet nonmedical qualifications for sterilization. Passed 42-18.

SB 424 (Petris) — Would grant homeowners' property tax exemption to welfare recipient. Passed 58-15.

AB 5 (Murphy) — Creates the Office of Ombudsman for Corrections to receive and process complaints and conduct investigations of penal conditions and institutions. Assembly concurs in Senate amendments, 43-19.

SB 1264 (Moscone) — Requires school districts to apply for federal and state funds to provide at least one nourishing meal a day for pupils from low-income families. Passed 46-15.

SB 419 (Moscone) — Extends unemployment disability benefits to include disability resulting from pregnancy or associated with pregnancy. Passed 47-22.

SB 433 (Beilenson) — Authorizes contraceptives for minors without parental consent if physician determines minor is "sexually active". Passed 43-24.

SB 1493 (Song) — Fenton-Song no-fault insurance proposal. (See description under Senate.) Passed 42-23.

SB 109 (Song) — Increases legislators' salaries from $19,200 to $21,120, effective 12/2/74. Passed 55-15.

AB 889 (Knox) — (See description under Senate votes.) Assembly concurs in Senate amendments, 57-13.

AB 205 (Fenton) — Extends unemployment benefits to agricultural workers. Attempted override of Governor's veto failed 40-21 (54 votes required).

ASSEMBLY

Republicans 35	SB 4 SB 1118 SB 840 SB 1358 SB 424	AB 5 SB 1264 SB 419 SB 433 SB 1493	SB 109 AB 889 AB 205
Arnett	Y*NYY	Y*Y**	YYN
Badham	YNNNY	NNNNN	YY*
Bagley	YYNYY	*YYYY	YYN
Barnes	YYNNY	Y*NNY	YYN
Beverly	YNN*Y	YYNYN	YY*
Briggs	YNN*Y	N*YYY	NY*
Brophy	*****	*****	***
Burke	YNNNN	NNNNN	NYN
Campbell	YN**N	**YNY	YY*
Chappie	*****	*****	***
Cline	YNNYY	NNNYY	YYN
Collier	YNN*N	NYNNY	YYN
Conrad	YNNNN	NN*NY	YYN
Dent	YYNYY	NNYNY	NYN
Duffy	YNNYY	YYNYY	NY*
Hayden	YYNYN	Y*YYY	NYN
Johnson, R.	YNNYY	NNYYY	NYN
Ketchum	*NNYY	NNNNY	NYN
Lancaster	Y*NNN	NNYNY	YYN
Lanterman	YNNNY	YNYYY	YYN
Lewis	YNN*Y	YYY**	YN*
MacGillivray	YNNNY	N*NNY	YY*
Maddy	YNN*Y	YYYY*	YY*
Mobley	YNNYN	*NNYY	YYN
Monagan	YNNYN	YNYYN	YYN
Moorhead	Y*NNN	N*NN*	NY*
Murphy	YNNNY	YYYNN	*YY
Priolo	YNNYN	NYYNY	YNN
Russell	YNNNN	NNNNY	YYN
Seeley	YYNYY	Y*NN*	NYN
Stacey	NNNYN	NNYYY	YYN
Stull	YNNNN	NNNNN	NYN
Wakefield	YNNNN	NNNNN	NYN
Wood	YYNYN	YYYNY	YYY

Democrats 43	SB 4 SB 1118 SB 840 SB 1358 SB 424	AB 5 SB 1264 SB 419 SB 433 SB 1493	SB 109 AB 889 AB 205
Bee	YNYNY	NYNNY	NYY
Brathwaite	YYYYY	YYYYN	YYY
Brown	Y*YYY	YYYYN	YYY
Burton	YYYYY	YYYYY	Y*Y
Chacon	YNYNY	YYNNY	YYY
Cory	**YYY	YYYYY	YYY
Crown	*YYYY	YYYYN	YNY
Cullen	YNY**	*YYNY	YYY
Davis	YYYNY	NYNNY	YYY
Deddeh	Y****	*****	***
Dunlap	*YYYY	YYYYY	YNY
Fenton	YNYYY	YYNYY	YYY
Fong	YNYYY	YYYYY	YNY
Foran	YNY*Y	*Y**N	YYY
Garcia	YNYYY	YYYY*	YYY
Gonsalves	YYYNY	*YN*Y	YYY
Greene, B.	Y*YYY	YYYYN	YYY
Greene, L.	YYYYY	YYYYY	YYY
Johnson, H.	*YYYY	*YYY*	YYY
Karabian	*NY*Y	YYYYN	*YY
Keysor	Y*YYY	YYYYY	NYY
Knox	YYYYY	YYYYN	YYY
LaCoste	YYYYY	Y****	***
MacDonald	YYYYY	YYYYY	YY*
McAlister	YYYNY	YYNNN	YNY
McCarthy	*YY*Y	YYY*N	YNY
Meade	YYYYY	Y*YYN	YNY
Miller	*YYYY	YYYYN	Y*Y
Moretti	Y*Y*Y	YY*YY	YYY
Pierson	YYYYY	YYYYY	YYY
Porter	YNYNY	YYYYY	*YY
Powers	YYYYY	**YYN	YY*
Quimby	YNYYY	*YYYN	YYY
Ralph	YNYYY	YYYYY	YYY
Ryan	*YYYY	YYYYY	YYY
Sieroty	*YYYY	*YYYN	YNY
Thomas	YYY*Y	Y***Y	Y**
Townsend	YNY*Y	*YNYY	YYY
Vasconcellos	*YYYY	Y*YYY	NNY
Warren	YYYYY	YYYYY	YNY
Waxman	*YYYY	*YYYN	YNY
Wilson	YYYNY	YYY*Y	NYY
Z'berg	*YYYY	YYYYN	YNY

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LETTER FROM WASHINGTON
By Lou Cannon

Centralized decentralization

Dec. 27, 1972

It is a mild winter in Washington, but there is a frenzied and severe quality to the work going on in the White House, where the machinery of government is being overhauled for the Nixon second term. In one of those paradoxes that abound in free society, the administration is attempting to centralize as much government as possible within the White House in order to decentralize government among state and local governments. The effort is shrouded in secrecy and born in the belief, expressed last October by John Ehrlichman, that the administration will have to make its domestic mark within the first year or two of the second term or reconcile itself to a lack of achievement. Accordingly, in an administration always distinguished for hard work, key staffers are working 16 hours a day or more during a season when Washington customarily enjoys a holiday interregnum.

This devotion to the work ethic is laudable, but the extra sense of urgency is vaguely suspect. In his 1971 book, *The Party's Over*, political correspondent David S. Broder attributes President Johnson's misuse of the Congress in late 1965 partly to Johnson's "belief that he had only a narrow span of time in which action would be possible. His assumption — expressed to the liaison men at the beginning of the year — was that the political balance would soon shift and the conditions of governmental stalemate return." Concludes Broder: 'So long as any President thinks he has only an occasional chance to move on the national agenda, the likelihood is he will overreact — as Johnson did — when the opportunity comes along. What 1965 shows is that the price we pay for an absence of responsible party government is not just long periods of impasse. There is also a risk of 'overkill', of hasty, ill-considered profligate action when leaders try to seize the few moments for initiative they are granted."

* * *

The situation in 1973 is in some important respects much unlike the one in 1965. There is divided government now, for the debacle of George McGovern did not produce for Nixon the same lopsided congressional majorities that the debacle of Barry Goldwater gave Johnson. The word "Republican" is scarcely ever heard from the mouths of the Nixon loyalists, who instead talk about "our guys" and employ a test of personal loyalty to the President as their chief criterion.

Kansas Senator Bob Dole, for instance, was a good Republican but not one of "our guys". So he was shelved as Republican Party chairman for George Bush, whose loyalty to Nixon ranks above his party affiliation. Bush is an able man, but the dumping of Bob Dole was a signal that the President is determined to "rise above party" even in his selection of Republican party leaders.

Nixon's belief that he needs a vastly more responsive federal government has led him to staff key departments and agencies with men who have already proven themselves to him in other capacities. Health, Education and Welfare, the department that the White House considers least responsive, was provided with a new team of Nixon loyalists — Budget Director Caspar Weinberger as secretary and Frank Carlucci, Weinberger's deputy in the Office of Management and Budget, as undersecretary. With far less publicity than has attended the cabinet choices, the White House has sprinkled "our guys" across the vital second layer of federal government. The operation suggests that the President may be seeking to accomplish indirectly the functional reorganization of the cabinet that he submitted to Congress two years ago and that was absorbed by the congressional system without ever coming to a vote.

* * *

Only the most rabid partisans would deny that Nixon, or any President, has a need to take better control of the levers that work the sprawling federal bureaucracy. But there is a disturbing quality to the obsessive secrecy that surrounds the "centralizing-to-decentralize" operation, almost as if Nixon, like his predecessor, did not trust people to approve of what he is doing if told about it. It was the combination of furtiveness, which undermines any kind of representative government, and his inability to resolve the Vietnam War that destroyed President Johnson's domestic hopes after 1965. The same combination now exists for Nixon.

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Women have been in everything else--why not in politics? There's no reason why a woman shouldn't be in the White House as President, if she wants to be. But she'll be sorry when she gets there.

--Harry S. Truman

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